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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: JUSTIN CAPORALE

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15 Tuesday, March 1, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 9:02 a.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] PROFESSIONAL STAFF MEMBER

11 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

12 [REDACTED], CHIEF CLERK

13 [REDACTED] PROFESSIONAL STAFF MEMBER

14 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

15

16

17 For THE WITNESS:

18

19 PAUL BROTHERS

20 EDWARD GREIM

21 Graves Garrett LLC

22 1100 Main Street

23 Kansas City, MO 64105

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[REDACTED] Good morning. This is the deposition of Mr. Justin Caporale conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

This deposition is being taken remotely via Webex.

This will be a staff-led deposition, and members may join and choose to ask questions.

Mr. Caporale, if any members join during the course of the deposition, I'll just pause briefly to acknowledge that they've joined us for the record.

My name is [REDACTED] I'm an investigative counsel with the select committee. With me from the select committee staff are [REDACTED] a senior investigative counsel, and [REDACTED] who's a professional staff.

Under House deposition rules, neither committee members nor staff may discuss the substance of today's testimony unless the committee approves its release. Mr. Caporale, you and your attorneys will have an opportunity to review the transcript before it's released.

I note that, under House rules, Mr. Caporale, you may have your attorney present, but counsel for other individuals may not be and, therefore, are not present. And the same thing goes with attorneys for other government agencies. In other words, the only lawyers who are here are your lawyers and lawyers for the select committee.

At this time, I'd actually ask that your counsel identify themselves for the record.

Mr. Brothers. Paul Brothers and Edward Greim of Graves Garrett on behalf of Mr. Caporale.

[REDACTED] Thanks, Paul.

Just to lay out some ground rules for today's deposition.

1 Mr. Caporale, we do have official reporters transcribing our conversation. You
2 probably heard the prompt at the beginning that notified us that there is a video feed
3 being recorded using the Webex platform, but the reporters' transcription is the official
4 record of today's proceeding.

5 Now, because of that, it's important that we don't talk over each other. So I'd
6 ask that you wait to respond until questions are finished and I'll do my best to wait to ask
7 the next question until you're done giving your answer.

8 Does that make sense?

9 The Witness. Yes, sir.

10 [REDACTED] Great. We're already practicing. The reporter cannot note any
11 nonverbal responses, such as nodding heads or shaking heads. So it's important that
12 you respond to each question with an audible, verbal response. I ask that you just give
13 complete answers to the best of your recollection. If any of my questions are unclear,
14 just say so and I'll try to clarify. And, of course, if you don't know the answer, it's fine for
15 you to say so.

16 You may refuse to answer questions only to preserve a privilege that's recognized
17 by the select committee. In the event that you refuse to answer a question based on a
18 privilege, we may seek a ruling from the chairman on that objection or we may proceed
19 with the deposition and return to the objection later on.

20 In any event, if the chairman overrules the objection, then you'd be required to
21 answer the question.

22 Do you understand that?

23 The Witness. Yes, sir.

24 [REDACTED] And, finally, I'd remind you -- as I remind all witnesses, so don't take
25 it personally -- it's unlawful to deliberately provide false information to Congress and

1 doing so could result in criminal penalties, including under title 18, United States Code,
2 section 1001.

3 Do you understand that?

4 The Witness. I understand.

5 [REDACTED] Now, in terms of logistics, I'm happy to take breaks whenever you
6 might need it, whether it's to talk to your attorneys, stretch your legs. For whatever
7 reason, we can accommodate that. I did share with your attorneys my intent to be
8 efficient and move as efficiently as we can to try to be done by the lunchtime today, but,
9 you know, it's your car too to drive. So if you want to take a break for whatever reason,
10 we can accommodate that. Just let us know, and we'll find a good place to pause.

11 And now might be a good time, Paul, if you want to note for the record the
12 objections that you've raised on behalf of your client.

13 Mr. Brothers. Thank you, [REDACTED]

14 Mr. Caporale has a few objections this morning to preserve for the record. We
15 would note that Mr. Caporale is not asserting these objections to not appear before the
16 committee this morning or to not refuse to provide deposition testimony. However, he
17 is raising these objections to preserve them in the event the committee subpoenas him
18 for further deposition testimony or document production.

19 The first testimony -- or the first objection is that the committee is not properly
20 composed, and, therefore, all actions taken by the committee are invalid. This objection
21 is based on the resolution authorizing select committee, and that resolution provides that
22 the Speaker shall appoint 13 Members to the committee and that the Speaker shall
23 appoint five of those 13 members after consultation with the minority Member.

24 The Speaker's failed to do both of these things. The speaker only appointed nine
25 Members to the select committee, and none of the nine committee Members appointed

1 were appointed in consultation with the minority leader. The Speaker's rejection of the
2 minority leader to requested appointees and appointment of all nine members on her
3 own does not comply with the resolution authorizing the committee and invalidates all of
4 the committee's action, including the issuance of Mr. Caporale's subpoena.

5 The second objection is that Mr. Caporale's subpoena is not properly issued. The
6 basis for his objection is similar to the first objection. Once again, the resolution
7 requires that the Speaker appoint 13 members to the committee and five of those
8 members should have been appointed after consultation with the minority leader. As
9 I've just discussed, the Speaker failed to do both of these things. The resolution
10 authorizes the chairman of the committee to issue subpoenas for deposition testimony,
11 but importantly it only authorizes the chairman to do so after consultation with the
12 ranking member. This committee lacks a ranking member due to the Speaker's decision
13 not to appoint any members in consultation with minority leader. This failure to do so
14 deprives the committee of a ranking member [inaudible] Representative Cheney holding
15 the title of vice chair rather than ranking member.

16 The lack of a ranking member prevented the chairman from properly subpoenaing
17 Mr. Caporale for a deposition as he had no ranking member to consult with. This failure
18 makes Mr. Caporale's subpoena invalid.

19 Our third objection is that the subpoena for deposition testimony is not supported
20 by a valid legislative purpose. As Mr. Caporale outlined in the document production to
21 the committee, he asserts numerous objections, one of those being that the committee
22 does not need to look any further into the events of the rally on the Ellipse on January 6th
23 to legislate.

24 What happened that day, the speakers that spoke, the people who attended,
25 where those people went, all of those things are part of the public record and should be

1 sufficient information for Congress to legislate therefrom. Congress does not need to
2 probe into the details of the planning of the rally and plans that came to fruition and did
3 not come to fruition to legislate.

4 Mr. Caporale also preserves all additional objections he raised in his document
5 production, as well as common law objections and does not waive them by appearing and
6 testifying today.

7 Thank you, [REDACTED]

8 [REDACTED] Sure. Thanks for that, Paul. As you know, the select committee
9 disagrees with the characterization of the composition of the committee and the basis for
10 your objections, but I also understand that that's not standing in the way of us proceeding
11 today. Is that right?

12 Mr. Brothers. That's correct.

13 [REDACTED] All right. Well, with that, because the deposition is under oath, Mr.
14 Caporale, I'd ask that you raise your right hand and be sworn by the reporter.

15 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
16 that the testimony you are about to give will be the truth, the whole truth, and nothing
17 but the truth?

18 The Witness. I understand.

19 EXAMINATION

20 [REDACTED]

21 Q Mr. Caporale, today during the deposition, we're going to be showing you
22 some exhibits that should appear on your screen. And, if you need us to zoom in or
23 manipulate it so that you can see it better, just let me know.

24 I will note for the record that yesterday we provided some secured copies of these
25 exhibits to your counsel. I don't know whether you were able to review those with

1 them, and I'm not asking you to tell me about conversations you had, but I just note that
2 in case you're already familiar with these exhibits if you did -- did you get a chance to look
3 at some of these yesterday?

4 A Yes.

5 Q Okay. That'll just help us so that we can -- if you want to re-review them,
6 we can pause them, and you can look at them again, but it helps us be a little bit more
7 efficient.

8 So, first, let's pull up exhibit 1.

9 Mr. Caporale, I can tell you this is the subpoena that was issued by the select
10 committee to you and the date at the bottom of the first page indicates it was signed by
11 the chairman on December 29th, 2021.

12 Mr. Caporale, I'd just like you to confirm, if we go back up to the top, that having
13 reviewed this subpoena you are the Justin Caporale named in the subpoena?

14 A Yes.

15 Q And you understand you're appearing here today pursuant to the subpoena?

16 A Yes.

17 Q All right. And I acknowledge that through counsel you have produced
18 some documents to the select committee. Those documents covered a time period of
19 roughly November 2020 through January 2021, which aligns with the document schedule
20 requesting documents within that time period.

21 And I just want to cover some basics about methods of communication that you
22 used and more or less confirm if my understanding is correct.

23 So it's my understanding that, during this time period, November 2020 through
24 January 2021, about the topics called for in the subpoena, chiefly, the organization and
25 planning and implementation of the rally on the Ellipse on January 6th, you only used two

1 email addresses, one at eventstrategies.com and another personal gmail account. Is
2 that correct?

3 A That is correct.

4 Q It's also my understanding that, during the same time period, you only used
5 personally one phone number, a personal cell phone that has an upstate New York area
6 code and [REDACTED] Is that correct?

7 A That is correct.

8 Q You also produced screen shots from your phone indicating that you used
9 that personal cell phone to text with other individuals. Is that correct?

10 A Correct.

11 Q I just want to confirm that you did not use any other messaging
12 applications -- examples would be Whatsapp, Telegram, Signal -- about subjects identified
13 in the subpoena?

14 A I did not use any other apps.

15 Q And I'd also just like to confirm a few things in addition to that. It's my
16 understanding that, for this time period, you did not retain any hard copy documents that
17 would have been called for by the subpoena. Is that correct?

18 A That's correct.

19 Q And we previously had a conversation with your attorneys in November of
20 last year.

21 Do you remember that?

22 A I'm not sure exactly the conversation you're speaking of.

23 Q Sorry. I'm using conversation and different things. You met with
24 investigators from the select committee last November.

25 Do you remember that?

1 A Yes, sir.

2 Q And, during that, you explained to us that there was a single text message
3 that would have been called for by the subpoena with an individual named Robert
4 Gabriel.

5 Do you remember that?

6 A I do.

7 Q And, at that time, you explained to us that you no longer had it on your
8 phone. Is that correct?

9 A That's correct.

10 Q Could you just explain to us, to the best of your recollection, what that
11 conversation was about and why you could not produce it?

12 A Sure. The conversation was regarding logistics behind the President's
13 speech, and I couldn't produce it because I had deleted it from my text messages in just
14 normal routine cleanup. At that point, it was still the beginning of the year, so we
15 hadn't received any of the subpoena documents or knew what was about to happen.

16 Q Do you remember around when you deleted that text message from your
17 phone?

18 A I do not.

19 Q And Robert Gabriel was a White House employee on or about January 6th?

20 A Yes, sir.

21 Q And you believed that you communicated with him about content for the
22 speech that the President was going to give. Is that right?

23 A Logistics behind the speech, what was in it -- I'm sorry -- what the set up
24 was, things of that nature.

25 Q To the best of your knowledge, are there any documents or communications

1 that you have withheld from the select committee that otherwise would have been called
2 for by the subpoena?

3 A No, sir.

4 Q Now, I would like to just summarize some of the context about your personal
5 background. You have professional experience in event production for political
6 campaigns and government officials. Is that fair to say?

7 A Correct. Yes, sir.

8 Q And it's my understanding that this sort of work is often referred to as
9 "advance." Is that a fair way to understand what advance is?

10 A Yes. It's a fair way to understand it.

11 Q You previously provided advance and production services for the Trump
12 campaign in 2016 and 2020. Is that right?

13 A That's correct.

14 Q But, during those time periods, were you actually an employee of those
15 campaigns?

16 A Yes. I was a contractor in 2016 and an employee in 2020.

17 Q And, also, between the two Presidential campaigns, you were at some point
18 a full-time employee at the White House. Is that correct?

19 A That's correct.

20 Q Could you just briefly summarize what those roles were and the general time
21 periods when you held them?

22 A In the White House?

23 Q Yes.

24 A I entered the White House as a lead advance representative in the Office of
25 Presidential Advance from approximately January 20th through the end

1 of -- January 2017 through the end of that year. At the beginning of 2018, I transitioned
2 into the East Wing and retained the title of director of operations of the Office of Melania
3 Trump.

4 Q And the East Wing can frequently refer to working within the Office of the
5 First Lady. Is that right?

6 A Yes. Yes, sir.

7 Q And how long did you work in the East Wing?

8 A About 3 months.

9 Q And around when did you leave the East Wing?

10 A Early March.

11 Q Where did you go after that?

12 A After that, I went back to -- well, I took a small break and then ended up on
13 the Ron DeSantis campaign. And in between that, [REDACTED], I did some work with ESI just
14 on small events, but then I went and worked for Ron DeSantis' gubernatorial campaign.

15 Q And remind me what year is this?

16 A 2018.

17 Q So, after 2018 until 2020, you did not work in the White House. Is that
18 right?

19 A That is right.

20 Q Are you currently an employee of Event Strategies?

21 A Yes.

22 Q And what's your job title with Event Strategies right now?

23 A CEO and managing partner.

24 Q It's my understanding that, during the time period that we're focused on
25 today, late 2020 through January 6th, 2021, you were not an employee of ESI. Is that

1 right?

2 A That is correct.

3 Q But you did provide services using ESI as -- I'm not sure how you would
4 characterize it -- a contractor or having a day rate? Is that fair?

5 A Yes. That's fair.

6 Q So I just want to make clear that, although we're talking about your role with
7 ESI during this time period, you're not an employee, but you're essentially acting on
8 behalf of them to provide the services that ESI would provide. Is that right?

9 A Yes, sir.

10 Q Perfect.

11 Mr. Caporale, are you familiar with an organization called Women for America
12 First?

13 A Yes.

14 Q And are you aware that Women for America First held political rallies in
15 Washington, D.C., in November and December 2020?

16 A Yes, sir.

17 Q Did you have any professional role in either of those events?

18 A Yes. ESI provided jumbotron screens for -- I believe it was the event in
19 early December, and that was -- our role was limited to that.

20 Q So, when you say the role was limited as to jumbotrons, you didn't have any
21 larger oversight role with the Women for America First event in December?

22 A No, sir.

23 Q Now, moving forward to January 6th, are you aware that on permit
24 paperwork submitted by Women for America First for that event at the Ellipse on
25 January 6th, 2021, you were listed as a project manager?

1 A Yes, sir.

2 Q Could you just explain to us, to the best of your own understanding, what
3 that project manager role covered?

4 A Sure. The project manager role covered overseeing the production,
5 logistics, and operations behind the event.

6 Q And where in the org chart, so to speak, for this specific event did you stand
7 in relation to the people sponsoring the rally and the people on the ground who were
8 making sure that all of the chairs were unfolded and the, you know, stanchions were put
9 up?

10 A I mean, I guess I stood in between our client, Women for America First, the
11 Kremers, and then the advance and production teams on the ground.

12 Q I guess another way to put it, is, who did you answer to for that event?

13 A My client, Women for America First.

14 Q And I'd like to discuss, to the best you recall, how you came to be hired for
15 that event. Do you remember how that came about?

16 A I do. Around Christmas 2020, I started to receive messages. The first one
17 came in from Cindy Chafian about an event on January 6th, but it was still unclear what
18 exactly the vision was. Shortly after Christmas, Kylie Kremer had reached out with a bit
19 more vision and made the ask if we were willing to come on and be their production
20 management partner of the event.

21 Q Let's take a look at exhibit 2.

22 This is a text message thread that you produced, Mr. Caporale, that indicates
23 you're chatting with a user name Cindy with the initials CC and on here this first message
24 says: Hi, Justin.

25 It's sent on December 23rd, 2020, around 12 p.m. noon. It says: Hi, Justin.

1 I'm coordinating another event for January 6th and wanted to get a quote for you. This
2 is separate from Women for America First so the quote will go to -- and then it's redacted.
3 I believe there's contact information there.

4 Is this the contact that you're recalling from Cindy Chafian?

5 A Yes, it is.

6 Q Do you recall seeing that second sentence that there's a separate -- it's
7 separate from Women for America First when she contacted you about this event?

8 A Yes. I remember reading it, but the exact moment in time, you know, I
9 don't recall that specifically.

10 Q So I think that we all -- we both understand that there was a conflict that
11 arose between the Kremers, who were the heads for Women for America First, and Cindy
12 Chafian, who at one point was associated with them. Is that fair to say?

13 A Yes, sir.

14 Q Why don't you just briefly, so we can get it out of the way now, tell us what
15 your understanding of that conflict was and when you first learned of it?

16 A I honestly don't know what the conflict was about between the two of them.
17 The only thing I knew is that Cindy was no longer affiliated with Women for America First,
18 and that's kind of where my knowledge stops at that -- on that situation.

19 Q But fair to say December 23rd is the first time anybody contacted you about
20 being involved with an event on January 6th?

21 A Yes.

22 Q Let's take a look at exhibit 3.

23 Mr. Caporale, this is a text thread between you and Caroline Wren. You did
24 produce text from your side, but just for convenience and how they were presented,
25 we're showing you the version that shows Ms. Wren as the local user. So the person in

1 blue is Caroline Wren, and the person with the gray text is you.

2 And you can see here, December 26th, at about 11:14 a.m., Ms. Wren texts you:
3 Do you know who is organizing the January 6th rally in D.C.?

4 And the response is from you: I thought it was Women for America First, but I
5 do not believe it is. I'll find out for you today.

6 What's your -- how did you know Caroline Wren around this time period,
7 December 26th, 2020?

8 A Caroline and I were colleagues on the 2020 Donald Trump campaign.

9 Q Did you understand why she was reaching out to you about the January 6th
10 rally?

11 A I guess it would have been a normal text message to receive just given our
12 role. You know, she -- her and I worked together, and she knew me as kind of the
13 events guy. So, other than that, you know, I didn't think much of it.

14 Q Did Ms. Wren ever call you on the phone to discuss getting you involved with
15 January 6th?

16 A I don't recall specific a conversation on the phone. It wouldn't surprise me
17 if we had chatted on the phone about it, though.

18 Q Did you get any communications from an individual named Taylor Budowich
19 about January 6th around this time period?

20 A Yeah, I believe I did.

21 Q And what did Mr. Budowich ask you or talk to you about with respect to
22 January 6th?

23 A I don't recall the exact conversations, but it was about, you know, who was
24 involved in the event production behind it.

25 Q Do you recall who the first person was to raise to you the prospect of having

1 President Trump speak on January 6th, 2021?

2 A Yes. I'll have to just say Women for America First because I don't recall if it
3 was Kylie or Amy who made that ask.

4 Q Let's go down on this exhibit to page 4.

5 Here this is -- and we can scroll up a little bit just so you can see the context, just
6 where we can see the dates of this message, December 28th, 2020.

7 A Uh-huh.

8 Q And the message that you send to Ms. Wren says: Let's decide what group
9 we want to put the permit in and have them do it for the Ellipse.

10 Were you -- help me understand this message in the context of being hired by
11 Women for America First as your client --

12 A Yeah.

13 Q -- but then telling Caroline Wren: Let's pick who we want to have the
14 permit and do the event?

15 A Sure. So, when I was using the words "let's decide" more in the global
16 sense, right? This is, I guess, a symptom of the unclarity between that internal conflict
17 with Cindy and the Kremers. And I don't recall, again, specifics of that conflict, but I
18 know that there was a lot of back and forth and, you know, who was actually going to be
19 the client that day. Was it going to be Amy and Kylie with Women for America First or,
20 you know, were they going to use another group that they were affiliated with?

21 And my understanding was that they were trying to get away from Cindy Chafian.
22 So, when I say, you know, something like that to Caroline Wren, she was -- she had an
23 understanding of the drama and the conflict as well internally at Women for America
24 First.

25 So, when I text her that, it was kind of, like: All right, someone decide what

1 we're doing so we can move forward and actually submit this and have an event.

2 Obviously, we're coming up on New Year's Eve, so --

3 Q So why did you ask -- why did you, you know, seemingly say to Caroline
4 Wren: Hey, let's us decide this? What role did Caroline Wren hold that would've
5 made you go and say: Let's do this together?

6 A I would chalk this up to just poor usage of wording here, you know, almost
7 shorthand. It wasn't directed at her or her and I to make the decision. It was, I guess,
8 kind of out of frustration of, all right, let's decide, let's figure this out, you know.

9 So it wasn't us making the decision of whose group; it was more -- the client has to
10 make a decision.

11 Q Well, so, during these initial days here, this time period between Christmas
12 and New Year's Eve, did anyone tell you who would be paying for these services?

13 A I don't recall exact conversation, but I will highlight that these days here,
14 obviously, this is right when the idea for the event was born was just a very fast-paced
15 time and a lot of people -- Women for America First dealing with their drama and us
16 trying to get our ducks in a row to actually produce an event, which was taking place,
17 again, over a Federal holiday at the beginning of January, you know, on a national park,
18 whether that was, you know, Freedom Plaza or the Ellipse.

19 So I don't really recall that exact conversation because so much was going on in
20 that time period. I don't know when we discussed payment for the first time.

21 Q Well, let me just take a step back.

22 Ms. Wren's role with respect to the Presidential campaign had to do with finance
23 and fundraising, correct?

24 A Correct.

25 Q And so did you understand that Ms. Wren, with respect to January 6th, was

1 helping to coordinate payment for putting on the event?

2 A Yes.

3 Q So is it fair to say then that one of the reasons to include Ms. Wren in this
4 decisionmaking is because she was, in effect, a way to ensure that the event could be
5 paid for?

6 A No. I don't think it's fair that that's why we included her in the
7 decisionmaking. Caroline as a fundraiser is often involved in Republican events,
8 especially large-scale ones, especially when there's a donor class that is coming to the
9 event.

10 So my understanding was that Caroline and the Kremers had an existing
11 relationship, and, you know, that's how Caroline came into the mix. My conversations
12 with her were, you know, normal. Caroline and I talk a lot and work together closely a
13 lot.

14 So, no, I don't think it's fair to say, like, that's why I included her in the
15 decisionmaking process. It was just kind of normal operating procedure for her and I to
16 have overarching discussions about event production, logistics, and operations.

17 Q At some point in this time period, again, between Christmas and New Year's,
18 did you learn that Charlie Kirk or his organization, Turning Point, would help provide some
19 of the funding for January 6th?

20 A Yes.

21 Q And who made that connection for you?

22 A Caroline Wren.

23 Q And did you also receive payments from Turning Point to cover the invoices
24 and the costs incurred for the January 6th event?

25 A Yes, sir.

1 Q Did you also receive payments from Women for America First?

2 A Yes, sir.

3 Q Did you know whether this money was coming from separate sources or
4 from a single source, ultimately?

5 A I did not know.

6 Q How soon did the White House get involved in conversations with you about
7 the January 6th event?

8 A I guess right around that end of December time period.

9 Q Let's take a look at exhibit 5, and zoom in.

10 Mr. Caporale, this is a text message you produced. It's my understanding it's a
11 text message between you and your parents. I'm not going to ask you any details about
12 them, but I'll just -- if we scroll down on December 27th, 2020, the time stamp on this is
13 17:07, which is military time for 5:07 p.m., but I'll just note as a matter of, I think, the
14 technical production, because your attorneys are based in the central time zone, I think
15 it's possible that this was a text message actually sent at 6:07 of that day.

16 And the reason I say that is you can see there's a screen shot, a tweet, from the
17 President from that same date, that is, from an eastern time zone, I believe, from later
18 on. But anyways, that may become relevant in terms of looking at something in a
19 moment, but you can see here there's a screen shot of a tweet from President Trump on
20 December 27th: See you in Washington, D.C. on January 6th. Don't miss it.
21 Information to follow.

22 Do you see that?

23 A Yes.

24 Q And, below that, you wrote: WH.

25 Does that mean White House?

1 A Yes.

2 Q Called me and asked if ESI was producing the rally on the 6th, then said
3 good, and 10 minutes later this tweet came out.

4 And you added: Looks like the 6th just got very large.

5 Was December 27th the first time that you got outreach from the White House
6 about the January 6th event?

7 A It appears to be correct.

8 Q Who from the White House called you?

9 A I don't recall if it was Bobby Peede or Max Miller, but the Office of
10 Presidential Advance.

11 Q Do you recall what that conversation was about?

12 A Based on the text message you're showing me here, it was about if ESI,
13 myself and ESI were involved and contracted to provide the AV production and logistics
14 management of the event.

15 Q During that conversation, did you or anyone else raise the prospect of having
16 the President speak at the event on the 6th?

17 A I don't recall the exact conversation that I had on the phone, [REDACTED]

18 Q But is it fair to say that the White House would not have gotten involved if
19 there wasn't a possibility that the President would be speaking on the 6th?

20 A Yes. That's fair to say.

21 Q Let's take a look at exhibit 6.

22 Mr. Caporale, these are call log records for the personal cell phone of Max Miller.
23 If we go down to -- actually, maybe I can explain the captions at the top. You can see
24 the columns that we're going to see are -- show "record open date/time," which I think is
25 self-explanatory, "called number" refers to the recipient of a phone call, and "CPN" is the

1 call placing the number, so the person who's dialing it, and S-O-U is an acronym that
2 essentially means the number of seconds that a phone call lasted. So 60 would be
3 1 minute.

4 All right. Let's scroll down to -- that's great. Thanks, [REDACTED]

5 So you can see here, December 27th, 18:23 East Coast time, so 6:23 p.m., there's a
6 592-second phone call placed from Max Miller to you. Is this consistent with your
7 recollection that this was the time period when people from the White House started
8 reaching out to you about the event?

9 A That appears to be correct.

10 Q Now, ultimately, Women for America First submitted a permit for the Ellipse.
11 Is that right?

12 A Can you repeat the question?

13 Q Yeah. Ultimately -- well, let me take a step back. When Women for
14 America First first reached out to you, where did they intend to hold their January 6th
15 event?

16 A Freedom Plaza was their identified location.

17 Q Now, what was your reaction to them wanting to have the event at Freedom
18 Plaza?

19 A I had an understanding that they wanted to invite the President to come and
20 speak. And, when that piece of information became known to me, I looked around
21 Freedom Plaza and knew that it was a site that wasn't suitable for Secret Service just
22 given the line of sight issues with the buildings around, and what we would have to do to
23 shut down the streets in order to get a sitting President to Freedom Plaza would have
24 been very difficult, disruptive.

25 Q So let's take a look at exhibit 7.

1 This is a text message you produced with Taylor Budowich. At this time -- can
2 you just briefly give us the background on how you know Mr. Budowich?

3 A I met Taylor Budowich when we were on the Ron DeSantis campaign in
4 2018. He was a member of that team, and that's how I first got to know him. And
5 then our working relationship continued in 2020 on the Donald Trump campaign.

6 Q So, for this time period in the week and a half or so leading up to
7 January 6th, what was Mr. Budowich's role in relation to helping to put on the
8 January 6th event?

9 A Can you repeat the timeframe that you're asking?

10 Q Well, I'm just trying to distinguish to say we're really only looking at, from
11 the time that you got brought on by Women for America First through the event, what
12 was Mr. Budowich's role with helping to produce that event?

13 A In the beginning, he was -- he didn't have an official role, and then his role
14 kind of evolved into helping oversee the promotional efforts behind the event.

15 Q But professionally where was Mr. Budowich affiliated at this time?

16 A I don't know that he was affiliated anywhere. I don't know the answer to
17 that question.

18 Q But he wasn't working -- he didn't work for ESI?

19 A No, sir.

20 Q If we scroll down, it says, on December 29th, 2020, 13:49, which may be, you
21 know, 1 o'clock or 2 o'clock, close to it, depending on which time zone we're in here, but
22 Mr. Budowich texts you: Rally is at Freedom Plaza, right?

23 And the response is: Ellipse. Women for America First just submitted the
24 permit for the Ellipse. Freedom Plaza doesn't work for you USSS or POTUS.

25 That refers to United States Secret Service, right?

1 A Yes.

2 Q Who made the suggestion to hold the event at the Ellipse?

3 A I don't recall who made the exact suggestion.

4 Q Had you ever produced an event at the Ellipse?

5 A Not to my immediate knowledge.

6 Q And when you say, Secret Service -- or that Freedom Plaza doesn't work for
7 Secret Service, was that based on any conversations you had with Secret Service up until
8 that point?

9 A No, sir. It was just based on my experience in working with Secret Service
10 over time.

11 Q And if we take a look at exhibit 8.

12 This is a document produced by the Secret Service. If we scroll down to the
13 bottom, it's just a one-page email thread. The Secret Service policy in producing these
14 documents to us, Mr. Caporale, is to redact the names of any members of the service.
15 That's what those redactions are, but you can see here, December 31st, 9 o'clock in the
16 morning, a member of Secret Service emails Bobby Peede and Max Miller and essentially
17 is saying, you know: We're getting hit up from some of our counterparts regarding a
18 possible event on the Ellipse on 1/6. We haven't heard anything about this. And
19 they're asking to be looped in about the event.

20 And, if we go up, you can see that Mr. Peede responds, he writes it: Justin, can
21 you reach out to -- and then the person's name -- about setting up a meeting.

22 And then, if we go up to the top, you can see here that the -- somebody from
23 Secret Service is asking -- is saying thanks for the call, also on December 31st, and
24 basically providing contact information to people in the loop?

25 Does this reflect, to the best of your knowledge, the first time you had any

1 conversations with Secret Service about the January 6th event was on December 31st,
2 2020?

3 A To the best of my knowledge, yes.

4 Q Now, ultimately, Women for America First submitted their permit for use of
5 the Ellipse. Is that right?

6 A Yes.

7 Q Now, I'd like to talk to you about the level of support that you got from the
8 White House in making that decision. So if we take a look at exhibit 9, and, Mr.
9 Caporale, I'll just take a moment to acknowledge that we've been joined remotely by [REDACTED]
10 [REDACTED] who's the chief investigative counsel for the select committee.

11 A Yes, sir.

12 Q So exhibit 9, this is a text thread between you and Max Miller. Again, just
13 for convenience, we've produced -- we're using the version that shows Max Miller as the
14 local user. So you're the user in gray, and Max Miller's texts are on the right in blue.

15 So, on December 29th, in the early afternoon, you write to Max Miller: Women
16 for America First's lawyer is submitting the permit in person right now. And then write
17 in all caps: HOLD. Don't call yet.

18 And then if you scroll down a little farther, Max Miller says: Oh, you duck. I
19 just did.

20 What was this phone call -- I mean, does this refer to a phone call you expected
21 Mr. Miller to make regarding a permit application?

22 A I don't recall the phone call that I was talking about in this text.

23 Q Well, do you recall generally Max Miller's assistance with coordinating the
24 submission of the permit for the Ellipse?

25 A Coordinating the submission, no. Max is -- I will say this: You know, Max

1 was in the Office of Presidential Advance so working closely with them, it's standard for
2 the event producer, the event host to keep the Office of Presidential Advance completely
3 aware of what is happening with the event. So then the Office of Presidential Advance
4 can make decisions regarding the President's participation mainly, you know, scheduling,
5 what time does he need to be there, is the event actually happening, can we hold this
6 date.

7 Q Well, let's take a look at exhibit 5, which is back at Max Miller's phone
8 records and recall that this time period we were just looking at from your text messages
9 December 29th early afternoon, on exhibit 5, if we go to page 2, and we go down to
10 December 29th, in the early afternoon, right there in the middle of the page, you can see
11 there at 1500, there is an outgoing call from Max Miller to a number associated with
12 someone named Katharine MacGregor.

13 Mr. Caporale, do you know who Katharine MacGregor is?

14 A Not personally, no.

15 Q Are you aware of what position she held at this time?

16 A I've heard her name, but I'm not aware of the position, no.

17 Q I can represent to you that during this time period, she was the Deputy
18 Secretary of the Interior Department, and it appears from these records that this phone
19 call in the early afternoon of December 29th is book ended by phone calls from you and
20 to you.

21 And so I'll just ask you directly, do you know if Max Miller reached out to the
22 Interior Department to help Women for America First secure their permit for the Ellipse?

23 A I do not know that for sure. I assume that he was working, you know, with
24 the Department of Interior to keep them updated on what was happening, you know, in
25 their national park. From where I was sitting during this process, [REDACTED] I was working

1 incredibly closely with Amy Dailey from the National Park Service to submit the permit.

2 So, on our end, you know, I didn't really need any assistance with the actual permit itself.

3 Q Did you have any concerns at this time that the permit would not be
4 granted?

5 A No.

6 Q And so you didn't have any conversations with Mr. Miller about just looking
7 for some extra assistance to ensure before you put in all this work that you'd actually be
8 able to have an event at this location?

9 A Again, my conversations with Max Miller were more about updating him on
10 process where we were. Any issues that I was having, yes, I did let Max know, and that's
11 kind of, you know, standard in what we do. So, no, I didn't make that phone call with an
12 assumption that, you know, anything would happen.

13 Again, at that time, we had been doing very detailed conversations with National
14 Park Service about the requirements on the Ellipse. So, by the time we submitted the
15 permit, you know, Amy Dailey and the superintendent and Marissa Richardson (ph), you
16 know, were working closely with us, knew the permit was going to be submitted, and
17 providing us guidance, you know, on its approval.

18 So I was confident when our client submitted that permit that we were going to
19 receive an approval.

20 Q But it is fair to say that this involvement of the White House keeping things
21 whatever -- however, it may have been, helping to coordinate logistics for this event,
22 again, was all with the mind towards this is the way possible to have the President speak
23 at the January 6th event?

24 Mr. Brothers. Objection. Vague.

25 [REDACTED] Do you understand the question?

1 The Witness. No. Can you repeat the question, please?

2 [REDACTED] So I'm just trying to confirm, again, that the level of coordination you
3 had with Max Miller and folks in the White House was with a mind to ensure that the
4 President could come speak at the January 6th event?

5 Mr. Brothers. Same objection, still with the mind who you're referring to, [REDACTED]

6

BY [REDACTED]

7 Q Mr. Caporale, do you understand the question?

8 A Not quite, no.

9 Q I'm asking you to confirm that the reason that you are in touch with Max
10 Miller to coordinate logistics is because the organizers would like to have President
11 Trump come speak at the event. Is that right?

12 A Yes. That's correct.

13 Q Thank you. Let's take a look at exhibit 10.

14 This is an email you can see here from a personal email account associated with
15 Max Miller, but this email shows -- it was sent by you on December 29th, 2020, in the
16 evening to Robert Peede and Max Miller, both at gmail addresses.

17 And it says here that below you're listing some rules and regulations for the
18 Ellipse, some of them are expected, and then you go on to explain, you know, largest
19 concern is that National Park Service will not allow us to build out in the vista sight line
20 running directly down the center of the Ellipse.

21 Why did you send this message to Max Miller and Bobby Peede?

22 A As members of the Office of Presidential Advance, I wanted to keep them
23 updated, again, on the event planning and production and any issues that I was running in
24 to.

25 Q And why did you send it to their Gmail addresses rather than their White

1 House accounts?

2 A I don't recall. I mean, this came from my Gmail so it's likely that that's the
3 addresses that popped up for them.

4 Q Now you're aware that employees of the White House are not supposed to
5 use their official White House methods of communication to coordinate political events.
6 Is that fair?

7 A I'm not aware of that exact rule that I can confidently say yes to that
8 question.

9 Q Well, I'll just ask you, did your use of personal contact information for folks
10 who were working at the White House have anything to do with whether this was an
11 official White House event versus a political event?

12 A No, sir.

13 Q But, in your view, was this an official White House event?

14 A In my view, it was an event hosted by Women for America First that the
15 President was invited to attend.

16 Q So not an official event being put on by the White House?

17 A Yes. That was my understanding; it was not an official event put on by the
18 White House.

19 Q Let's take a look at exhibit 11.

20 If you -- just scroll down briefly. I don't remember if there's something
21 below this to look at.

22 Here we go. This email thread relates to that issue that you identified in
23 exhibit 10, the vista sight line, I believe. Is that right?

24 A Yes, sir.

25 Q And here there's an email, December 31st, 12:35 p.m., from you to Amy

1 Dailey making -- the subject line is "request for consideration."

2 You write: Hi, Amy. Following up from my phone call to request consideration
3 and approval of the following. And there's two items. Number one is that, referring to
4 the 2019 menorah lighting with the National Menorah Council, they had a site layout that
5 looks as if it was justified inside the sight line vista. I'm seeking approval for waiver to
6 build our stage out within that vista.

7 And then the second issue I won't read but has to do with the placement of a
8 chain-link fence that surrounded the White House Christmas tree. If we scroll up, you
9 can see here that this message is forwarded -- keep going up, [REDACTED] -- to Max Miller about
10 7:49 p.m. on New Year's Eve and you write to Max: Here's what we're getting right now
11 for stage placement. This is what it was for the menorah's lighting.

12 And you forwarded what appears to be a response that says, essentially, we can
13 offer you the same position afforded to the rabbi in 2019, but my understanding is that,
14 at this time, the Park Service was not allowing you to build directly in the center of the
15 sight line vista. Is that correct?

16 A That is correct. I had some objections with how they defined the rabbi's
17 stage positioning in 2019, but, yes, that's correct.

18 Q What was your understanding of this sight line vista tradition that the Park
19 Service was trying to maintain?

20 A My understanding at the time that it wasn't a tradition -- oh, I'm sorry -- it
21 was a tradition to keep that line of sight vista completely clear from the Truman Balcony
22 to the Jefferson Monument, and that was kind of my full understanding of it.

23 Q And so was it conveyed to you that the Park Service was not going to allow
24 you to build -- to obstruct that entire sight line vista with the stage build-out for the
25 event?

1 A I mean, can you repeat that question? I'm sorry.

2 Q I'm just trying to get a sense of what the state of play was when you're
3 making these requests for consideration from the Park Service on New Year's Eve?

4 A Sure. Sure. To the best of my recollection, when I was talking with, you
5 know, Amy Dailey in making these requests for consideration, it was more of not a strict
6 no; it was more of: Well, we've never done this before. This is not something that
7 we've done. It's not something that we typical do.

8 So when it wasn't a no, I continued the conversation with Ranger Dailey of, you
9 know, well, is there any consideration that the National Park Service would provide us
10 given the current state of the Ellipse construction, Christmas trees, things of that nature.

11 Q So, with this -- in response to this request for consideration, am I correct to
12 understand that this text here that's quoted and forwarded to Max Miller, that's the park
13 service's response to your request. Is that right?

14 A I would say that's correct.

15 Q Okay. Now, but is it fair to say that this -- affording the same position as
16 the rabbi in 2019 and also saying that we can't allow you to move the fence, which is
17 what the second paragraph says, why wasn't that satisfactory to you from a production
18 standpoint?

19 A If I recall this correctly, there was two main reasons why where the rabbi
20 stage wasn't going to work. One of them was, I believe, there were standing water in
21 that west quadrant of the Ellipse at that point, and the other was where they wanted it
22 was basically on the steam pipe tracks underneath the Ellipse, and our production plans
23 called for a rather large mobile stage.

24 So placing a stage like that on top of ground that has steam pipes under it would
25 have been ill-advisable from a production standpoint and certainly a National Park Service

1 standpoint.

2 So they offered me the position of the rabbi's stage, but, again, we were happy for
3 that, but it wasn't going to work logistically given the production equipment we were
4 bringing in.

5 Q Well, how about the visual presentation of the rally? Was that a
6 consideration?

7 A Yeah, of course.

8 Q And so, if it were not in the center of the Ellipse, you wouldn't have the
9 White House in the background at least center framed in the stage. Is that right?

10 A We wouldn't have the White House in the background, and we wouldn't
11 have been placed, you know, in appropriate location on the Ellipse to facilitate, you know,
12 an efficient and organized crowd management. You know, being in the center of land
13 just it helps make everything more organized and symmetrical.

14 Q Let's take a look at exhibit 9 -- this takes us back to text messages with Max
15 Miller -- and go to page 3.

16 So, on page 3 here, December 31st, in the mid-afternoon, so I believe this is
17 maybe before this email correspondence is forwarded, Mr. Miller writes to you: So it's a
18 resources issue with the fence. Offered to pay and reposition it. That was her lame
19 excuse.

20 Do you know who he was talking about regarding "her" in this text message?

21 A I would assume Amy Dailey based on my followup.

22 Q And -- right. So you write back: I did. She said no. We cannot allow
23 another part -- maybe party -- but part to move our fencing as it would present a host of
24 liability concerns.

25 So you're keeping Mr. Miller in the loop on this ongoing discussion to try to get an

1 accommodation for the sight line. Is that fair to say?

2 A I'm keeping him updated is, again, normal operating procedure as the Office
3 of Presidential Advance knowing where we were in terms of producing the event and the
4 vision.

5 Q Let's scroll down, [REDACTED]

6 And here Mr. Miller writes: Just saw your email. I'll fix it.

7 What did you understand Mr. Miller to mean when he said, "I'll fix it"?

8 A I don't know that I understand exactly what he meant, but, again, I assumed
9 that he was working with his colleagues at the Department of Interior, which is something
10 that, you know, I'm aware of that has happened many times in the past.

11 For example, the convention was held across multiple national parks, and I knew
12 that the Department of Interior was involved there because the President was visiting and
13 participating in an event in a national park. Same thing with Mount Rushmore.

14 So I assumed he was speaking with the Interior when he says "I'll fix it." You
15 know, I can't comment on exactly what I thought he meant there. I just don't -- I don't
16 know.

17 Q Let's take a look at exhibit 12.

18 Now, I'll tell you, you're not on this email. This was an email thread produced by
19 the Interior Department. And, if we go down -- there's two emails on this. On
20 January 1st, so New Year's Day, about 6 o'clock p.m., Katharine MacGregor -- you can see
21 from the email signature is the Deputy Secretary for the Department of the
22 Interior -- she's writing a group of people asking: Could you please send me the
23 regulation handbook citation or internal guidance regarding permitting within the sight
24 line of Washington Monument in President's park? I need today, if possible.

25 If you go up, the response comes from Margaret Everson, who I can tell you at this

1 time period was the Acting Director of the National Park Service. So nationwide. She
2 writes back: My understanding, and I am copying John Stanwich to confirm, is that we
3 have not memorialized the practice in any documents that you listed below. There is
4 reference to the sight line in the original Olmsted Plan. And I will ask by way of this
5 email he send us all a copy.

6 Mr. Caporale, were you aware that the Deputy Secretary and the Director of the
7 National Park Service were looking into the sight line issue at this time?

8 A I don't recall if I was unaware of those specifically.

9 Q Well, did you know -- you mentioned that it's common to involve the Interior
10 Department for advance work if the work calls for it, if you're going to be using Park
11 Service land. Is that -- I don't want to mischaracterize it, but I think that's essentially
12 what you said?

13 A Yeah, no. That is correct.

14 Q Is it common for high-level leadership within the Department of Interior to
15 be involved in running down those issues?

16 A I guess I don't have enough experience working internally to know if it's
17 common for certain level of employees to be involved. I can tell you that I recently had
18 experiences -- well, our team did; I didn't personally -- with ESI at a National Park Service
19 for Senator Dole's funeral, you know, where my understanding is the White House, you
20 know, and the Department of Interior got involved to make sure that Senator Dole's
21 event could be produced in a way that he envisioned it.

22 Q Were you involved in that event you mentioned for Mount Rushmore?

23 A No, sir.

24 Q So you don't know what level of communication was had for an event that
25 the President was speaking at with the Interior Department?

1 A No.

2 Q Let's take a look at exhibit 13.

3 And we might need to zoom in a little bit on this.

4 This is a -- produced from Max Miller, and you can see here, it is January 1st, at
5 about 7:21 p.m., from you at your personal gmail account to him at his personal gmail
6 account and regarding the line of sight vista. And the email starts, "Take two," and then
7 it appears to be a draft email to Superintendent Stanwich.

8 Can you tell us what this email that you sent to Max Miller is about?

9 A The email that you're showing me now was the email I prepared to send to
10 Superintendent Stanwich in order to continue to request consideration to build our stage
11 and our event site out within the line of sight vista. This email was compiled under, you
12 know, advisement with Amy Dailey, you know, at 7 o'clock at night or sometime in that
13 time period, on January 1st.

14 So, again, this is me just keeping max in the loop as a director of Presidential
15 advance: These are the steps I'm taking to try to rectify the issue that I'm having.

1

2 [9:59 a.m.]

3

BY [REDACTED]

4

Q And you said Amy Dailey had a role in helping you prepare this?

5

A Yes. Amy Dailey and I worked incredibly close together throughout this entire project.

6

7

Q So what role did she have with respect to drafting this request to Superintendent Stanwich?

8

9

A Her role was, you know, affording me the opportunity to speak with her about these considerations and kind of have the back and forth of, you know, okay, we all -- the National Park Service has concerns about the line-of-sight vista. I have logistical and operational concerns about where we're placing the stage given the unique circumstances of the Ellipse, the construction, the Christmas tree fence, the standing water, the steam pipes.

14

15

So Amy and I had a nice back and forth about, you know, is this -- is this something that we can do and here are some of the points that should be highlighted when you're speaking to the superintendent.

17

18

So at this point in time, my understanding was Amy, Ranger Dailey was starting to understand, you know, why I was requesting this for consideration. So I talked to her about the situation at hand and then drafted this email and showed it to Max as an FYI.

20

21

Q So you've mentioned now a couple of times issues with steam pipes and standing water.

22

23

And we can -- [REDACTED] can you put that back up, please.

24

We can take a moment to allow you to review. Does this draft email that you sent to Max Miller on the evening of January 1st mention standing water or steam pipes?

25

1 And we can make it bigger if we need to.

2 A Yeah. Can we scroll down a little bit, please.

3 No, it does not.

4 Q So at 7:00 p.m. on January 1st, you weren't advising, or you weren't planning
5 to advise on issues related to the steam pipe or standing water. Is that fair to say?

6 A It's fair to say, but I remember verbally talking about those two things, along
7 with a multitude of other issues, [REDACTED] or sir. So, yes, this email does not reflect that,
8 but those were major components in the conversations between myself and the National
9 Park Service.

10 Q Now, I'll just note for you before we move away from this exhibit that you
11 did not produce this email to us. Do you have any idea why we would not have received
12 this email from you in your production to the select committee?

13 A No, sir, I do not. When I searched my emails, I used the date range through
14 both in-boxes, so, no, I'm unsure why this didn't come through my production.

15 Q Let's take a look at exhibit 14. And just to be fair to you, Mr. Caporale, we
16 can go down to the bottom of this exhibit. I think you have had a chance to review this,
17 but we can certainly let you take a look at it.

18 That's a little too far.

19 This is, I believe, ultimately the email that you did send to Superintendent
20 Stanwich on the evening of January 1st.

21 [REDACTED] if we can just show the portion that has the beginning of the email. Sorry,
22 [REDACTED] I mean the beginning of Mr. Caporale's email to John Stanwich making the request.

23 There you go. Great.

24 And so does this reflect the request that you made to John Stanwich at about 8:00
25 in the evening of January 1st?

1 A Yes.

2 Q Okay. And if we scroll down, this is where I say I just want to be fair to you,
3 I think that the email does mention issues with the steam pipe if we keep going. Right.
4 Right there in the middle of the page.

5 A Yeah.

6 Q Do you see that?

7 A Yes, sir.

8 Q Eliminating potential damage or obstruction to the steam line track system.

9 A Yes, sir.

10 Q So we just saw what appeared to be a draft email sent to Max Miller at
11 about 7:00, and now we have an email sent to Superintendent Stanwich about 8:00. Do
12 you know how these additional justifications to make the request ended up being added
13 to that request to be sent to Superintendent Stanwich?

14 A I don't know exactly, no.

15 Q Did you get input from Max Miller about what you should say in the email?

16 A No. I got input from Amy Dailey at National Park Service.

17 Q And ultimately, the superintendent granted your request. Is that right?

18 A That's correct.

19 Q The very same evening, on New Year's Day, right?

20 A To be honest, I don't recall exactly when that request came in, but that
21 general time period, yes.

22 Q Sure. And we can just scroll up to the next email that's within the same
23 thread here. So you can see here January 1st, 21:53, so almost 10:00 at night on New
24 Year's Day, same day you sent the request. Does this refresh your recollection that
25 Superintendent Stanwich granted your request the same evening you made it?

1 A Can we scroll down a little bit so I can just reread that email? I'm going to
2 assume, yes, that's correct.

3 Q Let's go ahead and take a look at page 4 of exhibit 6. I may have
4 misspoken. I believe I should have said exhibit 9. Looks like we're having some Adobe
5 issues.

6 Mr. Greim. Hey, [REDACTED] are you good, after you get this pulled up and ask your
7 questions on it, taking our first break?

8 [REDACTED] Sure. Why don't we just go ahead and take that break now while
9 we figure out -- just let the computers catch up for technical purposes.

10 Mr. Greim. Okay. So now, do we -- do I want to leave this meeting?

11 [REDACTED] Yeah. Let's -- well, hold on. Let's -- it's 10:08. Let's just go off
12 the record.

13 [Recess.]

14 BY [REDACTED]

15 Q Mr. Caporale, before we took a break we were reviewing the email traffic
16 with the Park Service granting your request for consideration to set up in the center of
17 the vista sight line. Do you remember that?

18 A Yes, sir.

19 Q Let's take a look at exhibit 9 at page 3. Sorry, page 4 of exhibit 9. And we
20 can zoom in. These are your text messages with Max Miller again.

21 I guess, maybe go up one page. Here we have Friday, January -- sorry. Too far.
22 To the bottom there.

23 Friday, January 1st, 19:29, you wrote to Mr. Miller, Sent another draft. And his
24 response was, Launch it. Does this reflect that you were coordinating with Mr. Miller
25 what the request for consideration was going to be to the Park Service?

1 A I think it reflected I was keeping Mr. Miller abreast of the steps I was taking
2 to request consideration for the issues that I was having.

3 Q But when you say "sent another draft," do you mean, Hey, Max, I've sent you
4 another email?

5 A Oh, yes, sir. That would -- go ahead.

6 Q I didn't mean to interrupt.

7 A No, please.

8 Q And so, in response, when he says, Launch it, what did you take that to
9 mean?

10 A Send it.

11 Q So he had reviewed -- did you understand then he had reviewed your email
12 and he thought it was good to send?

13 A I guess I took that as, you know, he acknowledged receiving it.

14 Q When he said "launch it," he's telling you, I've received your email?

15 A I received it. Good to send, so, yes, is the answer to your question.

16 Q Okay. And then the next message down here at about 10:00 p.m., Friday,
17 January 1st, you write to Mr. Miller, "Permission has been officially granted. I just sent
18 you the correspondence to your Gmail."

19 So here it seems like you are acknowledging you're sending an email to his Gmail
20 account. I'm curious if there's, in your mind, when you're sending these emails, a
21 reason why you would send to Gmail versus a different email address?

22 A No, sir.

23 Q Let's scroll down farther so we can continue the conversation.

24 Here Mr. Miller writes, "Ahahahsh, ahahahhs, ahahahaha." And you write back,
25 LOL. It means laugh out loud, right?

1 A Yes, sir.

2 Q And he writes back, "God, I'm going to miss this." And you wrote back,
3 "same. Just means we need a bunch of money now to make things go away."

4 I understand you guys are friends and there's nothing wrong with sharing a joke.
5 I'm just curious what it was that -- explain to me the context of what you understood he
6 was saying he was going to miss and what your response means?

7 A In terms of Mr. Miller's response going to miss this, my understanding was
8 producing events, you know, for the sitting President of the United States, being
9 forwarded the opportunity to work on national parks. That was my understanding of
10 what he meant by that.

11 Q And when you wrote, "We just need a bunch of money now to make things
12 go away," what's that mean?

13 A That means we would no longer be working in the White House or in the
14 government after this, so our jobs as event producers, you know, take a little bit different
15 turn. If we're not working with the National Park Service or an organization like that
16 where we have good partners in helping us produce events, there has to be other, you
17 know, alternatives to make considerations.

18 Q So when you say, "make things go away," is it fair to say that you're
19 acknowledging there was some assistance from the White House to help resolve the
20 problem of the sight line vista, and in the future, because we won't be in the
21 White House, we'll have to have other means to solve problems when we're putting on
22 events?

23 A I honestly can't confirm what I meant by that text message. It was clearly a
24 poor choice of words on my part in trying to be humorous, but I really can't recall what
25 my mindset was when I sent that text.

1 Q So, you know, two messages down where Mr. Miller says, No more calling
2 dep secs or having people call secretaries. Did you understand what he meant by that?

3 A Not by that specific text message. And as I referenced earlier, like I had a
4 general understanding that he was in contact with his colleagues at the Department of
5 Interior.

6 Q And you wrote back, "We were saved by a wall and a Christmas tree.
7 Nothing is more Trump than that. And a few well-placed phone calls, but the wall and
8 the tree ranked." What did you mean by well-placed phone calls?

9 A My phone calls that were placed to Amy Dailey and Superintendent Stanwich
10 and Marisa Richardson about the request for consideration. I worked incredibly closely
11 with Amy Dailey throughout this entire process, and was as transparent as I could
12 possibly be about why we were making these requests for consideration. Given some of
13 the unprecedented, you know, construction, the Christmas tree, you know, replacement
14 of the wall around the White House, you know, those were unprecedented
15 circumstances, you know, at the time.

16 Q Let's take a look at exhibit 4, and we'll go to page 15 of exhibit 4. This is a
17 text thread you produced, your text messages with Kylie Kremer. And page 15, she asks
18 you, in the middle of this, and I'll tell you, this is from January 4th, she's sending you
19 pictures of the buildout on the Ellipse, and she asks, "Can I say it's historic where it's being
20 held because it hasn't been done since the 1800s or no?" And your response was, "Nah,
21 let's not bust their balls."

22 Did you know what she meant by "hasn't been done since the 1800s"?

23 A I'm assuming that that meant that it hasn't been done since the 1800s. You
24 know, we knew that National Park Service was making a consideration for us based on
25 the circumstances of the Ellipse.

1 Q Right. And I guess, though, I should have been more specific. When she's
2 saying "it hasn't been done," did you know what she meant by "it"?

3 A I'm sure I did, and by "it," it meant the placement of the stage.

4 Q Okay. And when you say let's not bust their balls, what were you referring
5 to?

6 A Not taking a victory lap given, you know, that our considerations had been
7 granted. I have a lot of respect for our national parks and our National Park Service.
8 And given my working relationship with Amy Dailey and Superintendent Stanwich and
9 Marisa Richardson, I didn't want to give an impression that I wasn't fully appreciative and
10 respect the approval that they gave us.

11 Q Understood, and I appreciate that. Let's move on. Mr. Caporale, during
12 the planning for the January 6th event, did you hear anyone suggest that rally-goers
13 should march or walk to the Capitol following the President's speech?

14 A In the early days of the planning around that end-of-December timeframe,
15 you know, it was discussed that it would include a march. And after consulting and
16 working with the National Park Service, we decided not to move forward with planning,
17 you know, a march from the Ellipse to anywhere.

18 Q When you say "it was discussed," who were those discussions with?

19 A The National Park Service.

20 Q Sorry, it sounded like you said it was discussed that there might be a march,
21 and then you had consultations with the Park Service. Were there discussions about a
22 march before you brought it up with the Park Service?

23 A There were -- I don't recall the exact discussions, no. But I remember
24 talking with the Park Service about it during the permit and application process under the
25 general question of, you know, what is the vision for your event.

1 Q Let's go ahead and take a look at exhibit 3, and this might refresh your
2 recollection a little bit. Exhibit 3 are your text messages with Caroline Wren. And if we
3 go to page 7, she sends you an image with a question right there in the middle. And we
4 can zoom in a little bit. This is December 29th, about 2:00 in the afternoon. She
5 writes, any updates from WH on your end? And you write back later that evening,
6 schedule proposal will work its way around tomorrow. Noon seems to be a good time.
7 Then maybe a call to action to march to the Capitol and make noise.

8 Did you have conversations with people in the White House about having a call to
9 action to march to the Capitol and make noise?

10 A No, not to my recollection.

11 Q So where did you get this information that you sent to Caroline Wren about
12 a call to action to march to the Capitol and make noise?

13 A I would really view my response at 10:50 as two separate conversations.
14 So, the scheduling proposal will work its way around about noon, noon seems to be a
15 good time, that was in reference to any updates from the White House on your end.
16 And then maybe a call to action to march to the Capitol and make some noise is referring
17 to the discussions we as planners were having with the National Park Service to see if that
18 would be something that would even be possible given the timeframe that we had to
19 plan.

20 Q So my question is, whose idea was it to have a march to the Capitol and
21 make noise?

22 A I don't recall whose idea it came from. It was, again, conversations with
23 the client at that point. You know, their event was branded, March for Trump, and it
24 had been for the year leading up to it. So, it was part of those natural discussions, well,
25 should we, you know, submit a permit for a march and coordinate that end of things.

1 Q I think we've established that by this point you had been in touch with folks
2 from the White House. That text message you sent to your parents was December 27th,
3 2 days before, and this is the same day, December 29th, that you're texting Max Miller
4 about Women for America First submitting the permit for the Ellipse. Was anybody in
5 the White House conveying to you plans about having a call to action to march to the
6 Capitol and make noise at this time?

7 A No, sir.

8 Q Why don't we take a look then at exhibit 15. This is from -- this is a text
9 message that you produced. KP is Katrina Pierson, and the other person on the thread
10 is Taylor Budowich. And on January 3rd, at 10:10 in the morning, Ms. Pierson texts,
11 "WH has not approved these speakers. I was asked to modify, and I'll send over a new
12 draft to you guts" -- I think it's a typo for "guys" -- "and POTUS." And then she writes,
13 "POTUS expectations are intimate and then send everyone over to the Capitol."

14 So by this time, were you aware that the White House, or representatives from
15 the White House, were considering sending rally-goers to the Capitol following the
16 President's speech?

17 A My awareness was limited to, you know, receiving a text message like this.
18 But I was, you know, never given official instructions by my client or anybody to
19 coordinate a march, to plan a march, and we didn't.

20 Q Okay. You say you were never given any instructions from your client to
21 plan or coordinate a march?

22 A No.

23 Q So what was the December 29th message to Caroline Wren about a call to
24 action to march to the Capitol and make noise about?

25 A I'm sorry, if I can, let me be a little bit more clear. So in the text message

1 that you're referring to earlier in late December, that's when the conversations were
2 happening between myself and the client, is do we want to include a request for a march
3 in our permit process.

4 During that late December time period, we would host calls with National Park
5 Service every morning that included, you know, members of Metro PD and Park Police, all
6 the relevant authority members in the permitting process. Sometime in that late
7 December, I don't remember the exact date, it became very clear that, given the
8 timeframe we had to plan, you know, the manpower that it would take and the resources
9 that it would take, that we -- we were not going move forward with planning a march.

10 So in that time period, you know, we decided, the client decided that they no
11 longer wanted to pursue that, and that we would focus our attention on the event on the
12 Ellipse and in our permitted area. And that's what we did.

13 So the reference I'm saying is, after the client decided we're not going to move
14 forward with this permit process, they never once came back to me and said, Hey, we
15 would like to revisit the march, we would like to submit the permit, we would like to
16 coordinate a march or plan a march. Our -- we were laser-focused on inside of that
17 Ellipse and our permitted area. So, I hope that provides more clarity to what I meant.

18 Q I think it does a little bit, and maybe if we take a look at exhibit 16, it will
19 provide additional context to what you just said. Exhibit 16 is an email, you can see here
20 at the top, Amy Dailey, who you've mentioned, ranger with the Park Service, sending to
21 you on December 30th in the morning, here is the email that I sent to Kylie this morning
22 and talks about some details that I don't think are relevant to what we're talking about
23 right now, flooring material and Verizon maybe for some kind of cables for media.

24 But if we scroll down, the email that she sent to Kylie indicates there, number one,
25 right, and she's confirming, my view of this as, is recapping a conversation they had

1 previously. And the number one point says, you indicated that your plan is to remain on
2 the Ellipse and not use Freedom Plaza. You further indicated that you did not intend to
3 march to the U.S. Capitol.

4 And just for the record, there is highlighting on this exhibit. I believe it was
5 added by the select committee on review of the exhibits. It was not originally
6 highlighted when it was produced.

7 So is that consistent with your recollection that, by December 30th, Women for
8 America First had decided there would not be a march as a part of their event?

9 A Yes, sir.

10 Q Okay. So now let's go back to that Katrina Pierson text on exhibit 15. So
11 this is 4 days later, January 3rd, talking about POTUS expectations are intimate, and then
12 send everyone to the Capitol. Did you tell Ms. Pierson we're not putting on a march?

13 A I don't believe I even acknowledged that she had sent me that text message,
14 because I didn't view her as the client at that point.

15 Q Why don't --

16 A And I just want to put -- please, go ahead.

17 Q Oh, well, scroll down. The response following that text message from you
18 to her is, "great news." So I understand she's telling you two different things there in
19 her messages to you, but I'm just trying to understand from your perspective as a project
20 manager when your clients have expressly disclaimed doing any march to the Park
21 Service, and then Katrina Pierson says, "POTUS expectations are to send everyone to the
22 Capitol," did you have a reaction to that that you can recall in terms of whether or not
23 there would be a march?

24 A Not a reaction that I can recall, no.

25 Q Do you know why it was that Women for America First was avoiding -- or not

1 avoiding. That's not the right word. Do you know why Women for America First
2 declined to do a march on January 6th?

3 A To the best of my recollection, it was a decision made based on the amount
4 of manpower, planning, logistics that would go into coordinating that march. And I, you
5 know, would just like to state again that this time period, you know, over a Federal
6 holiday, right after a Federal holiday, it was very difficult for the client to execute that
7 based on the requirements from the National Park Service.

8 Q So maybe just -- let's quickly talk about what those logistics might have
9 looked like to coordinate a march. What kinds of things would've needed to be put in
10 place?

11 A Bike rack, signage, Porta Potties, you know, medical resources, you know,
12 required for standard permitting in any event really, things of that nature, the sheer, you
13 know, volunteers, staff to oversee it. There was a lot that was going into that, and, you
14 know, as you can see, our production on the Ellipse was not insignificant.

15 So if we're looking at both of those things, you know, my recommendation to the
16 client was, you know, we should focus on our event on the Ellipse, and I think the client
17 understood that. And then, again, our relationship with the National Park Service, you
18 know, they were very upfront with us in saying, You know, we can do this. If you want
19 to put the application in, it will be granted consideration. However, please acknowledge
20 that your timeframe for planning is extremely limited.

21 Q So in terms of the logistics to coordinate a march it's -- you might -- you just
22 tell me if this is right -- would you need volunteers to help guide people where they
23 should be going?

24 A Yes.

25 Q Same thing with bike racks to help direct foot traffic?

1 A Yes, sir.

2 Q And you'd probably want to coordinate with law enforcement so that they
3 were aware of heavy foot traffic on the roads, right?

4 A Yes, sir.

5 Q And you mentioned first aid. It's possible that with large people moving
6 from one location to another you might need to have medical services available. Is that
7 right?

8 A Yeah. Oftentimes permits based on the amount of people expected
9 require certain things when it comes to medical services available on site, the number of
10 Porta Potties that are available, access to water. So a lot of those requirements are
11 dictated through the permit process.

12 Q And ultimately, like we said, Women for America First declined to organize
13 any kind of formal march, right?

14 A That's correct.

15 Q And so, to your knowledge, from Women for America First's perspective,
16 none of those logistical considerations were put into action for January 6th?

17 A That is correct.

18 Q But January 3rd, Katrina Pierson says, POTUS expectation is to have a march
19 to the Capitol. But to the best of your knowledge, was there any effort from any other
20 group to coordinate those kinds of logistics that would enable a safe march to the
21 Capitol?

22 A No.

23 Q Were you aware that Women for America First at one point was planning to
24 have a second stage at the Supreme Court on January 6th?

25 A I'm aware that a second stage was discussed in passing, but I wasn't aware

1 that it was Women for America First or what group.

2 Q What was your understanding of this passing discussion of a second stage of
3 the Supreme Court?

4 A I honestly don't recall, [REDACTED] I was so laser-focused on that event on the
5 Ellipse that I just kind of blocked everything else out. There was a lot going on at that
6 time period.

7 Q I understand that. Let's take a look at exhibit 17. This is an email from
8 Katrina Pierson to Taylor Budowich and Caroline Wren. So you're not copied on it, but
9 I'm showing it to see if it's something that maybe somebody else had spoken to you
10 about.

11 If you see down below, she's -- I think she's sharing a Google document, Google
12 spreadsheet of some kind. But she writes, "Hey, guys. I spent the better part of the
13 day on the phone with these organizers and was able to get a little guidance from the
14 White House."

15 And I should also note, the subject line is, "1/6 Speaker Schedule," and it includes
16 an attachment that is of the same name.

17 And she indicates, Green marks are those who are already confirmed speaking on
18 the 5th. The red marks are suggested to move to the 5th and/or SCOTUS. Yellow
19 marks either don't pass vetting or there may be an issue to explore.

20 And then she writes, "Number four, POTUS expectations are to have something
21 intimate at the Ellipse and call everyone to march to the Capitol. This actually works out
22 because Ali's group is already setting up at the Capitol and SCOTUS is on the way.

23 "Number five, I think we should secure a SCOTUS stage and have the higher
24 profile, more serious policy speakers, who are not speaking on the 5th, speak there right
25 after POTUS on the way to the Capitol."

1 So I know you're not on this email, but having seen this, did anyone talk to you or
2 share with you that this second SCOTUS stage was a way to have additional speakers who
3 might not otherwise get a chance to speak at an event on January 6th?

4 A I didn't know that much detail, no.

5 Q If we go to exhibit 18, this is -- if we zoom in a little bit so we can see better.
6 I'll tell you, this is a text message between Taylor Budowich and Katrina Pierson. So
7 you're not on this, but you're mentioned here at the -- on January 3rd. She writes to
8 Taylor, I'm going to finish the schedule today and we'll edit. What did Justin say about
9 SCOTUS? And a couple of texts down, Taylor writes back, "SCOTUS is doable but just
10 needs time. Problem isn't stage, it's sound, especially if you have thousands."

11 So do you recall Ms. Pierson or any of the other organizers for this event asking
12 you to look into having a stage or an additional event at the Supreme Court?

13 A I don't recall the actual person that brought it up to me, but I do remember
14 at some point somebody asking, can ESI support another event? And my immediate
15 answer was, no, we cannot.

16 Q So what was your understanding ultimately of the conclusion, if you knew
17 one, what Women for America First was going to do at the Supreme Court on
18 January 6th?

19 A I don't know that I had an understanding of that.

20 Q So did you know that they were planning to ultimately have that event even
21 if ESI wasn't involved?

22 A No, I did not.

23 Q And Katrina Pierson, in an earlier message, mentioned Ali. Did you know
24 Ali Alexander and groups affiliated with him were planning to have an event on the
25 Capitol Grounds on January 6th?

1 A I don't know that I knew that for certain. I can't recall, you know, ever
2 being told that or acknowledging it or anything. So I can't answer that with a yes
3 because I don't know.

4 Q Let's take a look at exhibit 19. This is a text thread that is between Kylie
5 Kremer and Mike Lindell. Are you familiar with who Mike Lindell is?

6 A Yes, sir.

7 Q So on January 4th, at 9:32 a.m. -- we may need to zoom in a bit. I think it's
8 the large block there. We can just zoom in on that.

9 Mr. Lindell is asking, can you check the times for me to speak tomorrow. This is
10 an January 4th. And in response, Ms. Kremer writes, about the second paragraph, "This
11 stays only between us. We are having a second stage at the Supreme Court again after
12 the Ellipse. POTUS is going to have us march there at the Capitol. It cannot get out
13 about the second stage because people will try and set another up and sabotage it. It
14 can also not get out about the march, because I will be in trouble with the National Park
15 Service and all the agencies, but POTUS is just going to call for it," and she puts in quotes,
16 "unexpectedly."

17 "POTUS is confirming speaking schedule for Ellipse and we should have by COB
18 today. If anyone tells you otherwise, it's not accurate info. Only myself and Katrina
19 know full story of what is actually happening and we are having to appease many people
20 by saying certain things."

21 Did you know about this -- I don't want to mischaracterize it, but it appears to the
22 reader, to me, Ms. Kremer is suggesting there's a secret plan to have a stage at the
23 Supreme Court. Did you know anything about this plan that Women for America First
24 was putting together on January 4th?

25 A No, I did not.

1 Q And so you weren't aware then that the Kremers, after having disclaimed
2 doing the march, were planning to then have people march after the President called
3 them to do it?

4 A No, I did not.

5 Q She mentions in quotes unexpectedly, that the President will just call for it
6 unexpectedly. And of course, in the context this message she's saying this 2 days before
7 the speech is even going to happen. During the course of your discussions in
8 coordination with people from the White House, did anybody tell you that the President
9 was going to make an impromptu call for people to go to the White House?

10 A Not that I recall, no.

11 Q This -- thanks. We can take that exhibit down.

12 This gets into a dynamic that I think we have discussed previously in our earlier
13 conversation with you in November, so we can maybe summarize some of this. But is it
14 fair to say that by January 6th, you understood that there had been an effort to limit who
15 would be allowed to speak on stage at the Ellipse on January 6th?

16 A Yes, that's fair to say. And my involvement with the speakers was looking
17 at the list and seeing a large timeframe of people speaking. It was like 7:00 in the
18 morning until dark. And when I saw that people were speaking for 1 minute, I knew that
19 that was an issue. No one speaks for 1 minute. So my response to that was, yeah, we
20 definitely need to limit this and cut it down so we can have an actual stage program.

21 Q But you also knew that there was conflict between different organizers
22 about whether people should even be allowed the stage to speak with the President,
23 right?

24 A I knew that there was conversations about who was going to be approved to
25 speak, who -- you know, a lot of people requesting to speak that day. My colleague,

1 Megan Powers handled the day-to-day in compiling the most recent drafts of everything,
2 so I can't speak about, you know, the actual details of those conversations. But like
3 many -- like every event, we'll say, especially those when a sitting President or
4 high-ranking government official are there, it's not abnormal for many, many, many,
5 many people to request to speak, and have to go through that consideration process.

6 Q So let's take a look at exhibit 29. Exhibit 29 is an email from Taylor
7 Budowich to Caroline Wren, and it's in response to an email that Caroline Wren wrote to
8 a group, and this is all happening on January 2nd. I think we might have -- Mr. Caporale,
9 are you still there?

10 Let's go off the record for a minute.

11 [Discussion off the record.]

12

BY [REDACTED]

13 Q Let's go back on the record. All right. We very briefly had a technical
14 glitch, and Mr. Caporale appears to have resolved it, so his video is working again.

15 We're looking at exhibit 29, which is an email from Taylor Budowich to Caroline
16 Wren in response to an email she sent on January 2nd, 2021, where she's asking, can we
17 go ahead and publicize the following speakers on the website? And you can scroll down
18 briefly. It's a fairly long list of speakers.

19 You can see it's listing folks, Donald Trump, Jr., Kimberly Guilfoyle, Eric Trump,
20 Amy Kremer, Katrina Pierson, Rudy Giuliani, Boris Epshteyn, but it goes on to list other
21 folks including -- Ali Alexander is listed on there, and we see Brandon Straka and Scott
22 Presler. We go a little further down and we see Roger Stone as well.

23 So let's scroll back up to the top of this email here. And Taylor writes to
24 Caroline, "I thought my text was clear earlier. Gonna help Kat and Justin if they need it,
25 but this isn't what I agreed to help on -- a separate event limited to the family, Ken Paxton

1 and Rudy as speakers and organizers as attendees. Ali Akbar and Alex Jones are
2 destructive to what the President is working toward and terrible for Don and Kim to share
3 a stage with. I don't want to be involved with that."

4 Now, I know you're not on this email, Mr. Caporale, but I'd like to ask you, did
5 Mr. Budowich ever share the concerns that he's raising in this email with you?

6 A Before I answer that question, I just want to make note that I'm getting a
7 message from Cisco about my connectivity to this meeting. So if I drop again, I
8 apologize, and if that happens, I will switch networks over to my hot spot. But I'm
9 scared to close this out, so that's what I'm seeing on my end.

10 Q Okay.

11 A To answer your question, I'm sure it was brought up to me in passing in
12 conversations just given, you know, how I speak regularly and often to people like Taylor
13 Budowich and Caroline Wren. Alex Jones' and Ali Alexander's names get thrown around
14 a lot, so I can't recall a specific conversation in which we discussed that.

15 And, again, I'll highlight that I kind of removed myself from the day-to-day of the
16 speakers, the compilation of the speakers list. You know, that was handled by my
17 colleagues as I focused on, you know, the production and logistics behind everything
18 coming in and out of the Ellipse.

19 Q So let me make sure I understand, and don't let me get it wrong. You were
20 aware that people were raising concerns about speakers like Ali Alexander or Alex Jones,
21 but you were not involved in decision-making on that because you were only concerned
22 with logistics for the event?

23 A I was -- I was aware that there were many conversations regarding approval
24 of speakers on that stage that did include, you know, Ali and Alex Jones. My
25 decision-making, well, I delegated that down to one of my colleagues to handle the

1 day-to-day conversation. And what we were concerned about was the logistics behind
2 the stage program, how many people are speaking, how many -- how much time is
3 allotted to each of them, you know, do they need a teleprompter, things of that nature.

4 So that's kind of how myself and my team looked at the speakers list and the
5 importance of it. To us, no, we didn't approve or request or, you know, get involved in
6 those decision-making. That was left to the client. We were more involved with the
7 logistics behind it.

8 You know, for another example, I needed to know if, you know, like a -- like
9 Representative Cawthorn was going to be included. You know, that entails some
10 additional logistical products that we need to bring in -- I'm sorry, some additional
11 equipment that we need to bring in to facilitate that. So that was our role in the
12 speakers list and the why we were involved and why a member of my team was
13 delegated to be a part of those conversations.

14 Q Was that Megan Powers?

15 A Yes, sir.

16 Q So my question is not about whether you were involved in the
17 decision-making, but my question is about your awareness of concerns about, as Taylor
18 Budowich put here, destructive. Let me just ask you differently. Did Mr. Budowich
19 ever tell you he thought that Ali Akbar or Alex Jones were destructive?

20 A I don't recall him ever using those exact words to me, no.

21 Q Let's take a look at exhibit 20.

22 A [REDACTED], I'm going to X out of this Cisco Webex meeting alert just so I can
23 see the exhibits more clearly. Unsure what's going to happen when I press this X
24 though, so just bear with me, please. Okay. Am I still here?

25 Q Yep, we still got you.

1 A Thank you.

2 Q So I'm going to take you back to the days leading up to the January 6th
3 event. Did you know that Katrina Pierson was planning to meet with people at the
4 White House about the final run of show for the January 6th event?

5 A I don't recall if I knew that at the time or not.

6 Q But before January 6th, did you, at some point, become aware that she had
7 spoken with President Trump about who would speak at the event?

8 A Based on the text message that you showed me earlier, yes, I guess, I was
9 aware. But I -- I knew she was saying it, but I didn't know that the meeting had actually
10 happened.

11 Q So this is a text message between Katrina Pierson and Max Miller, January
12 4th, about 4:00 in the afternoon. Mr. Miller texts to Ms. Pierson, "You did a great job
13 killing some of those speakers." And she writes back, "Hallelujah, praise the Lord Jesus,
14 amen. Hahaha, crushed it, but, man, he thinks a million people are coming." And if
15 you keep scrolling down on this, she writes, "I tried to help manage expectations. And
16 Mr. Miller writes, "You did. Just glad we killed the National Guard and a procession."

17 Did Mr. Miller or Ms. Pierson ever talk to you about a meeting in the dining room
18 off the Oval office with the President on January 4th?

19 A No, not that I recall.

20 Q Did anyone ever recount for you a meeting that they had about the event
21 with President Trump at any time?

22 A I can't recall anybody bringing that to my attention or making me aware of it.

23 Q Do you see there a procession is mentioned. Did anyone talk to you about
24 efforts to stop the President from trying to walk to the Capitol after the Ellipse event?

25 A No, sir.

1 Q Did you ever suggest that the President should lead a march, or join the
2 march, to the Capitol from the Ellipse?

3 A No, sir.

4 Q Let's go to January -- sorry, exhibit 21. This is a text message with you, as
5 you produced this with Taylor Budowich. And you can see here January 5th, you're
6 talking about how many people have registered for the event. We scroll down, Taylor
7 asks you, who is in charge now? You? And you wrote back, Katrina, but also things are
8 starting to get better with CW and everyone else.

9 What are you referring to in terms of getting better with CW?

10 A There was a lot of drama between, you know, the organizers during this time
11 period, Caroline Wren, the Kremers, Katrina, Cindy Chafian. Just when I refer to getting
12 better that we stopped spending a majority of our time talking about the drama and went
13 back to our actual jobs, which was to produce this event.

14 Q Taylor writes back, okay. "I guess the fear is that there's an attempt to fall
15 back to CW's original lineup that POTUS nixed, and people are allowed on stage prior to
16 the approved program. Is that a concern you have or worried about?" And in
17 response, you wrote, "Nope, no one is allowed on stage other than what POTUS signed
18 off on."

19 So does this refresh your recollection that you knew the President had approved
20 the final run-up show for January 6th?

21 A Yeah, I guess that's fair. And I apologize if I answered that unclearly earlier.
22 You know, I had the assumption, but based on what people were telling me, and those
23 people were not, I guess, official White House employees. So I was trusting what they
24 were saying, and I'll reference that text from Katrina earlier.

25 So, like, yes, I had an understanding that that's how it was going, but I can't

1 confirm that, you know, the President is looking at lists and actually approving. I
2 physically never saw him do that or participated in any meetings where, you know, he
3 was a part of those discussions. So I'm trusting, you know, secondhand sources.

4 Q And the CW referenced here, did you understand that to be Caroline Wren?

5 A Yes.

6 Q If we scroll down a little more, Taylor writes, "I was just on with Katrina.
7 Just be wise about pins. Only way to really ensure control. We know how DJTFP rallies
8 can get. This is that times 10,000 'cause no one actually works for anyone after
9 tomorrow."

10 DJTFP, that's Donald J. Trump for President, right?

11 A Correct.

12 Q So that's referring to campaign rallies?

13 A Correct.

14 Q So when Taylor says just be wise about pins, what did you understand him to
15 mean?

16 A The pins he is referring to are the Secret Service SARGE pin systems, and
17 those pins are designed to grant access levels at events where Secret Service is present
18 and protecting them. What I understood that to mean was, you know, make sure that
19 the folks who are working the event and part of the event have pins so they can do their
20 jobs.

21 But also at this point, you know, who was given a pin is always a major topic of
22 conversation at Secret Service events so that's not an uncommon thing for somebody to
23 tell me. You know, make sure you're not giving pins to too many people. I'm limited
24 to, you know, I think it's 20 pins, you know, please don't quote me on that, so it's not like
25 we can just give them out willy-nilly.

1 So I took that as just the general thing that people always say to me before a
2 presidential event, Oh, you know, just be judicious of who you're giving pins to, because
3 like speaking on the stage, everybody wants a pin. Most people don't understand what
4 the pins mean. They just know it's, you know, a cool thing to have at a Secret Service
5 event.

6 So I didn't view that as something abnormal. You know, we're always very
7 careful of who would get pins. And honestly, at the end of the day, it's really a decision
8 that Secret Service approves or denies with the pins.

9 Q Yeah, I understand the importance of just being cognizant of who gets a pin
10 at these events where Secret Service is present, but this is coming up in the context of a
11 text about concerns over a fallback to Caroline Wren's original lineup, and he's saying,
12 this is the only way to really ensure control. So isn't this actually about more than just
13 the normal course of how pins should be judiciously handed out?

14 A Yes and no. I mean, yes, in terms of pins should be judiciously handed out
15 so only the folks that need access levels to places like backstage have them. In this
16 regard, yes, Taylor is saying, you know, we don't want to have somebody pinned that we
17 don't trust to maintain the plan that's been, you know, agreed upon.

18 Q Did you hear anybody raise concerns about the possibility certain speakers
19 or -- would rush the stage at the Ellipse on January 6th?

20 A I don't recall anybody ever bringing that concern to me. You know,
21 "rushing" the stage is a big word. You know, I just don't recall having that specific
22 conversation. You know, I recall having conversations about the amount of people that
23 wanted to speak and we have one approved list, because I was involved in saying, you've
24 got to cut it down, you have to cut it down. So I knew, again, that there were a lot of
25 people that wanted to speak and that there would be an approved speakers list, you

1 know, handed to me by my client at some point when it was, you know, ready.

2 Q Well, let me ask you just nuts and bolts, right. At an event like this
3 where -- tell me if I'm wrong -- to get on stage you'd have to go through an area where
4 you'd either have to have a pin or be accompanied by somebody with a pin, right?

5 A Yes, that is correct.

6 Q Okay. So if you're trying to maintain control of who can get on the stage at
7 this event, it matters very much whether a person who wants to speak is themselves
8 pinned, or they have someone who is pinned that can get them to the stage, right?

9 A That's correct.

10 Q So is that why you're saying, Listen, I'm controlling this -- I'm paraphrasing it,
11 but you're reassuring Taylor, I'm controlling this, no one is getting on the stage that I
12 don't let on the stage?

13 A That's correct.

14 Q Okay. So let's go to exhibit 22. This is a text message thread that you
15 produced. It's from -- so the text messages on the left are from Katrina Pierson to you.
16 She texts at about 5:43 in the morning on January 6th, "Is there a plan to keep those
17 people off the stage or should I call COS to elevate?" Do you know who she meant by
18 "those people"?

19 A I would assume those who were not approved to speak in the general sense.

20 Q And what does COS mean to you?

21 A Chief of Staff.

1

2 [11:10 a.m.]

3

BY [REDACTED]

4

Q So did you -- do you understand her to be saying "I can call Mark Meadows

5

about this if I have to"?

6

A Yes.

7

Q If we scroll down a little farther, she says: Just spoke to Max. Said I can

8

start escorting people out and pulling credentials. If things get worse, we'll bring on COS

9

and POTUS. I'll pull everything from back there if I have to. No one has time for this,

10

especially after last night.

11

Do you know what she's referring to about last night?

12

A No, sir.

13

Q Do you recall being told about a conflict over who was holding physical VIP

14

credentials for the Ellipse event?

15

A Yes, sir.

16

Q And then she writes: I want Caroline's cronies out. If you want to keep

17

Maggie, fine.

18

And he said: Don't pin Caroline. And if we need to pull pins, I'll let him know.

19

So, when you read this, he said "don't pin Caroline," do you understand Ms.

20

Pierson's instructing you don't give Caroline Wren a pin that would give her access to the

21

secure area?

22

A Yes. That's what I understand her text message to mean.

23

Q Did you ultimately give a pin to Ms. Wren?

24

A Yes, I did.

25

Q Did you remember receiving this text message from Ms. Pierson before you

1 gave Ms. Wren a pin?

2 A Obviously, I received it, but I can't recall, you know, when I read it, when I
3 received it, what I was doing. We were already, you know, at work at that point in the
4 morning, so --

5 Q So my question is, actually, when you gave the pin to Caroline Wren, at that
6 moment, did you know Katrina Pierson didn't want Caroline Wren to have a pin?

7 A I don't know if I knew in that moment, no.

8 Q Now, ultimately, you mentioned drama. It sounds like there were a lot of
9 personalities to navigate in a compressed time period. So understand that.
10 Ultimately, there was a conflict that required law enforcement to -- it didn't require law
11 enforcement; someone called park police to come. Do you recall that?

12 A I do.

13 Q Do you know what that conflict was about?

14 A I believe that the conflict was about the seating section.

15 Q Okay. And do you know who it was between?

16 A Caroline and Kylie and Katrina played a role in it as well.

17 Q Now, did you witness any of that argument or the police response?

18 A Yes. Someone called me to come backstage. I don't remember if it was
19 Katrina or Kylie or the Park Police, but I witnessed it and, you know, talked with the law
20 enforcement officer and Kylie Kremer about the situation that was going on.

21 Q And just tell us what you remember about, sort of, what Ms. Kremer said to
22 you and how it was resolved?

23 A Yes. What I remember is showing up to that situation, and I don't
24 remember what Kylie was saying to me at that point, but it was just an extension of the
25 drama that we'd been experiencing for the past couple of days leading up to it.

1 My best recollection is that I kind of stopped Kylie immediately and asked her to
2 reconsider, to stop being a brat, and let everybody get back to work managing the event
3 that was already under way.

4 Q And how did it resolve with law enforcement?

5 A Caroline remained on site and performing her duties. I believe Kylie did as
6 well, and law enforcement, you know, departed the situation.

7 Q Let's take a look at exhibit 23.

8 This is a text thread between Katrina Pierson and Max Miller, and it kind of
9 provides some of -- an additional sort of set of perspectives on the events that we've
10 been discussing here. If we start at the bottom of that first page, Katrina Pierson writes
11 to Max Miller: Can we keep Caroline out?

12 And the next page shows that, at 6:46 a.m., on January 6th, Ms. Pierson again
13 writes: Seriously, what are my options?

14 And Mr. Miller responds: Don't pin her.

15 And she writes back: I haven't slept, still putting out her fires. She's not
16 pinned. She got Maggie pinned. Can I pull that? She's going to try and get Roger
17 Stone on the stage. I'm not going to embarrass POTUS, can't have it.

18 Mr. Caporale, did Ms. Pierson convey to you her concern that Ms. Wren was going
19 to try to get someone on stage that would embarrass the President?

20 A Outside the text messages that you've referenced for me, you know, I guess
21 that was my level of awareness. I don't recall an exact conversation, you know, that
22 Katrina and I had about her concerns or what was going to happen with the stage, so I
23 can't recall a specific time where I had that conversation with her.

24 Q If we go to the third page of this thread here, she says: I'm so furious I
25 need options. I don't know how far she will go today after the USSS situation. Should I

1 call Mark?

2 And Mr. Miller writes back: We can pull her credential.

3 And Ms. Pierson says: Okay. That's an option. Ali is nuts and I think they'll
4 rush the stage. I've seen them before.

5 Mr. Miller responds: Rush the stage -- with three question marks.

6 She says: Yes.

7 In response, Mr. Miller says: Tim Unes is controlling OSA. Justin will be back
8 there as well.

9 What is OSA?

10 A Offstage announce.

11 Q And then she writes back: Alex Jones tried at our last one and someone
12 jumped up and too -- too I think maybe took -- the mic out of his hands. They are nuts.

13 So, again, specifically, did anyone raise concerns about Ali Alexander or Alex Jones
14 getting on stage and embarrassing the President?

15 A I don't recall that exact conversation, no.

16 Q But do you recall Ms. Pierson raising concerns specifically about Ali
17 Alexander or Alex Jones at the Ellipse event?

18 A Not that I recall, no. Katrina raised a lot of concerns that day, but most of
19 them based in drama. So I got to be honest with you, [REDACTED], like, Katrina was saying
20 a lot of things and a lot of them were rooted in drama. And I don't think that they were,
21 you know, based in reality.

22 Q And, if we go to page 6 -- actually, maybe go up to page 5, and we'll go to
23 where Mr. Miller says: Do we have our own security? If so, get whose name on the
24 permit to have security escort her out.

25 In response, Ms. Pierson says: I have the permit. Okay.

1 And Mr. Miller says: If your name is on it, you can have security give her the
2 boot.

3 And she says: Wasn't sure what the options were. I need this resolved now so
4 things can go smoothly.

5 Mr. Miller responds: Or you can call Mark and see if he can talk to Don to talk to
6 you know who -- to talk you know who down to get rid of her today.

7 And then Katrina says eventually: Making the call. She's blocking program
8 speakers.

9 And then, halfway down, she writes: Have it on hold, but the officers are there.
10 I'm almost there -- maybe -- there's some typos. But then she writes: Justin is
11 freaking.

12 Sounds to me like, from your explanation, you showed up to try to resolve this,
13 but what was your state of mind when you're called to handle this?

14 A My state of mind at that point was frustration with the drama, you know.
15 As you can see from this text message, Katrina clearly spent a good portion of that
16 morning, you know, talking about drama, creating drama instead of doing her actual job.

17 So, when I show up backstage and I have, you know, multiple members of the
18 team that is supposed to be working just dealing with drama, that is a frustrating moment
19 for me.

20 Q Understood. During this drama between Women for America First, you
21 know, Katrina Pierson, the Kremers on one time and it appears Caroline Wren on the
22 other, did Ms. Wren ever threaten to withhold payment during the course of these
23 discussions with you?

24 A No.

25 Q So you didn't have any concern about how to resolve it to make sure that ESI

1 was still going to be compensated for its services?

2 A No, sir. I want to be clear: My concern was rooted in the success and
3 organization of the event to fulfilling, you know, the requirements that we agreed to with
4 National Park Service.

5 Q Ultimately, during the event, did you have to intervene to keep anyone off
6 stage?

7 A Not to my knowledge, no. Not that I remember.

8 Q Was there anybody who was brought back with somebody who had a pin
9 who you had to find, you know, a way to say, hey, that person can't be back here?

10 A Just not a specific situation that I recall doing that.

11 Q As a separate question, we know that there were some elected officials on
12 varying drafts of the run of show that evolved in the days leading up to January 6th. Do
13 you know who was responsible for reaching out to members of Congress to ask them if
14 they would speak?

15 A No, I do not.

16 Q Were there any elected officials that were lined up to speak, but that, you
17 know, turns out on the morning of January 6th, to your knowledge, weren't able to get on
18 stage?

19 A I'm sure there were, but there's not a specific situation that I can recall.

20 Q Let me -- I think there's maybe one example from text messages.

21 If we go to exhibit 25, this is a text message that you produced. It's with a Zach.
22 I think initials are ZR.

23 A Uh-huh.

24 Q Do you know who that is?

25 A Yes.

1 Q Is that Zack Rugen (ph)?

2 A No, sir.

3 Q Okay. Who is ZR?

4 A Zack Rutherford.

5 Q And who is Mr. Rutherford?

6 A A friend of mine that I met through, you know, the political world.

7 Q Okay. Professionally, was he -- what was his job on January 6th?

8 A He was an attendee, to my knowledge. I saw him in passing walking, you
9 know, through the crowd.

10 Q Okay. What does Mr. Rutherford do for a living?

11 A Right now -- right now, I believe he works on a campaign, but I can't say that
12 with certainty.

13 Q Okay. To the best of your knowledge, what was he doing for a living on
14 January 6th?

15 A I do not know.

16 Q Okay. So this text message on January 6th says: They're taking Lauren
17 Boebert back.

18 Do you know why Mr. Rutherford would have known about the whereabouts of
19 Congresswoman Boebert on January 6th?

20 A When I recall seeing Mr. Rutherford, he was kind of sitting in the front row.
21 So I guess he would have been able -- he would've had a clear line of sight to who was
22 going backstage and who was not.

23 Q Okay. So, on January 6th, was he a part of somebody's -- this is not a trick
24 question.

25 A No.

1 Q I'm just trying to understand professionally was he a member of somebody's
2 staff, was he working for a campaign, was he working for a PAC, or you literally just don't
3 know what he was doing for a living on January 6th?

4 A I literally do not know. My relationship with Zach Rutherford is more
5 personal than professional.

6 Q Okay. So, if we scroll down further here, the response, later on in the day,
7 you write back: Sorry. We had to tell her the speaking line up changed. Crazy day.

8 Is that in reference to Congresswoman Boebert?

9 A I would assume so, but I don't recall that actual conversation or being a part
10 of it. So, yes, I said this to him, but I don't know that I was present for that moment, I
11 don't really recall, you know, ever seeing or talking to Lauren Boebert that day. It's very
12 possible that I could've. It's very possible I knew that that happened, but I can't recall
13 the exact moment in time or how it went down.

14 Q Now, on the morning of January 6th, when people are going on stage, was
15 there any need to adjust on the fly to add in additional speakers, reconfigure the
16 schedule, that kind of thing?

17 A Yes.

18 Q Okay. And what was the reason for needing to do that?

19 A The speakers line-up kept evolving up to and during the event, which, again,
20 is not something that's, you know, abnormal.

21 Q Do you know who made a decision to have Rudy Giuliani speak at the Ellipse
22 on January 6th?

23 A To my recollection, I don't know who made the decision, but I was -- I
24 became aware that Mayor Giuliani was going to speak through Max Miller.

25 Q We can take a look at exhibit 9 and go to page 12 of that exhibit.

1 And maybe, actually, if we go up just to the bottom of page 11 here. This
2 is -- Max Miller text to you -- sorry -- you can stay at the bottom: Rudy is a go.

3 And this is about 10 a.m. on January 6th, and we can keep going down. And Max
4 says: Eastman will go up with him and not speak.

5 And he writes: Vernon is fine.

6 And then the response from you back to Mr. Miller is: Rudy is on the phone at
7 the Willard. His security is going to have a hard time getting him around because he's so
8 late. I'm trying to work with everyone to maybe get him in.

9 So does this reflect morning of attempts to fill speaking spaces or walk me
10 through the process of how Rudy Giuliani ends up -- isn't on the speaking list and then
11 you're coordinating to get him from the Willard?

12 A I don't have the knowledge of how he ended up on the speaking list, you
13 know. You can see this text here. That was kind of my understanding, my limited
14 understanding of he's approved, get him on stage.

15 Q Okay. I want to ask you very briefly about some of the signage. There
16 was an exhibit that we sent to your attorneys last night, and if you didn't have a chance to
17 review it, we can look at it now, but this is exhibit 30. And this is an email chain with a
18 vendor I think Ace Specialties. Are you familiar with Ace Specialties?

19 A Yes, sir.

20 Q Okay. And Ace Specialties, they may do other things, but one of the things
21 they do is they print signs, right?

22 A Yes, sir.

23 Q All right, and if we go down to, I think, there are some images further down
24 here that maybe show some proofs of signs. There's a Women for Trump sign and then
25 further down there's a sort of multi-layout: Stand with Trump, Save America, and Stop

1 the Steal.

2 Do you see those?

3 A Yes, sir.

4 Q Did the signs that are shown here get printed and distributed at the
5 January 6th rally?

6 A I recall seeing the "save America" signs, but I can't confirm if any of the other
7 ones ended up making it or being distributed.

8 Q So you don't know if "stop the steal" signs were distributed at the rally?

9 A I do not know.

10 Q Do you know whose idea it was to have these signs?

11 A Not specifically, no, but rally placards are very common for these type of
12 events.

13 Q And ESI paid the invoice to this vendor for these signs. Is that right?

14 A I would have to review, you know, our financial documents to confirm that.

15 Q And do you know -- well, from your experience having worked on the Trump
16 campaign and at other events, had "stop the steal" signs been used at previous Trump
17 events?

18 A Not that I have knowledge of.

19 Q Do you know why people wanted to use that phrase on signs?

20 A Not that I have knowledge of.

21 Q Do you know if anyone specifically requested that phrase to be used for the
22 January 6th event?

23 A Not that I have knowledge of.

24 Q All right. I promise we're getting close to the end here.

25 So let me ask you some questions about security. How was security managed for

1 the Ellipse event?

2 A There's several levels of security. Obviously, the United States Secret
3 Service played the leading role in designing a site that protected the President. Women
4 for America First had an existing relationship with a security company, and they were
5 contracted as well to help provide, you know, guest management type services inside the
6 Ellipse.

7 Q Let's take a look at exhibit 26. This is a text message that came from Kylie
8 Kremer, and it's with a group of folks affiliated with the Women for America First bus
9 tour, but you can see if we go down a little further, there's a reference to, I think, from
10 Jennifer Hulseley -- keep going. Here we go.

11 Jennifer Hulseley writes, January 2nd, at 1 o'clock in the afternoon: Just talked to
12 Justin. Can we get 50 volunteers?

13 And there's a response back from Charles Bowman: Let me check. To be clear,
14 10 Marshalls and 40 volunteers?

15 And she says: 10 Marshalls and 50 volunteers. Let me know if you can't get to
16 50.

17 Do you remember having conversations with Women for America First organizers
18 about having volunteers for the event?

19 A I don't remember the specific conversation, but, yes, we would've had that
20 conversation.

21 Q And what's the job for volunteers at an event like this?

22 A To act as an extension of kind of the guest management team, you know,
23 provide way finding, be greeters, you know, make sure if someone needs to find a rest
24 room or food or water, that we can help them get to where they need to go.

25 Q Was there ever an instance where you thought these volunteers might be

1 used for security purposes at the Ellipse event?

2 A No, sir.

3 Q Do you know who Charles Bowman is?

4 A I do not.

5 Q Do you remember having any conversations with a Charles Bowman?

6 A It's very likely that I did, but I don't -- I don't know or I don't remember those
7 conversations. His name does not ring a bell to me. I couldn't pick him out of a
8 line-up.

9 Q Okay. And, if we go up here, we see that Mr. Bowman ultimately sends a
10 list of, you know, several names, including a Jeremy Liggett, L-i-g-g-e-t-t, and others:
11 Robinson, Hernandez, Clark.

12 For volunteers, do you know if there's any vetting done for who's selected to be a
13 volunteer for these kinds of events?

14 A Most of the time, there's not vetting done unless that volunteer is required
15 to be in a secure location.

16 Q And so there would not have been a way for you to know, as the person
17 requesting volunteers, whether any of these individuals were associated with a militia
18 organization or paramilitary group like the Three Percenters or Oath Keepers or that kind
19 of thing?

20 A No, sir.

21 Q Now, during the President's speech, he mentioned walking to the Capitol,
22 marching to the Capitol, and encouraging people to go there.

23 Do you remember being present for when the President said those remarks?

24 A I mean, I was definitely present on site, but I don't remember where I was
25 when I heard him say that or even if I did hear him say that.

1 Q Following the rally, where did you go?

2 A I stayed on site at the Ellipse to help kind of shut the site down, secure it.
3 And then I left, based on the mayor's curfew.

4 Q So, when do you recall first hearing that there was a conflict that had broken
5 out at the Capitol?

6 A Sometime that afternoon whenever I received -- it was like a news push
7 notification on my phone or a tweet alert or something like that.

8 Q Okay. Where were you when you got that notification?

9 A Honestly, I was somewhere backstage.

10 Q Now, following the -- did you leave from the Ellipse and go directly home?

11 A I tried to stop at McDonald's first, but it was closed.

12 Q Did you go with a group of people into the Eisenhower Executive Office
13 Building?

14 A No, sir.

15 Q What was your reaction to seeing the conflict that broke out at the Capitol?

16 A I mean, I don't know that I fully comprehended what was happening at the
17 time, but I remember thinking, you know, that is kind of a disgusting display, you know.
18 It's the United States Capitol Building.

19 Q So, if we take a look at exhibit 22, these are the text messages with Katrina
20 Pierson, and if we scroll down here, January 6th, 14:19, so 2:19 p.m. This may be 3:19
21 p.m. eastern time because it was produced by your lawyers from the central zone. Ms.
22 Pierson writes: And THIS -- this in all caps -- is why I fought so hard to keep certain
23 people off that damn stage.

24 Did you understand Ms. Pierson to be referring to this conflict with Caroline Wren
25 about who could have access to the stage on January 6th?

1 A I'm honestly unsure what she meant by this text message still to this day.

2 Q Now, what's your view of the folks who attacked the Capitol?

3 A I mean, my view is the same what I said a moment ago, you know. Having
4 respect for our institutions and, you know, obviously our monuments, and I obviously use
5 that based on the last few years is, I thought it was a disgusting display that should've
6 never happened, you know.

7 That's not how, you know, we have our voices heard, and I do not agree with it. I
8 do not support it, and wholeheartedly condemn, you know, what happened at the Capitol
9 that day.

10 Q Let's take a look at exhibit 27.

11 Twenty-seven is a group text with you and Megan Powers. This is produced by
12 you, and if we scroll down a little farther here, January 6th, 14:28, but, again, because I
13 think this was produced in the central time zone, it could be an hour later than that.

14 So, somewhere between 2:30 and 3:30 p.m., January 6th Katrina Pierson writes:
15 Good news is that I was able to keep the crazies off the stage. I stripped all branding of
16 those nuts and removed videos of all of Caroline's psychos that would have been calling
17 for civil unrest. So we're good.

18 To the best of your recollection, Mr. Caporale, is it true that Ms. Pierson tried to
19 keep particular people off stage because of concerns over civil unrest?

20 A I do not know.

21 Q So, I mean, I'm just trying to really come to a landing on that point. You
22 seem to have been aware that there was conflict over who could speak on the stage.
23 There were logistical considerations from your perspective about it's not realistic to have
24 a bunch of people speaking 1 minute at a time; we need to narrow this down. I think
25 we've also agreed that you were aware that there were considerations as a matter of

1 substance about who should be allowed on the stage.

2 What I'm asking is, to the best of your recollection, was there ever a concern
3 raised over the possibility of violence or civil unrest depending on who spoke at the
4 Ellipse?

5 A To the best of my knowledge, no, I was not involved in any conversations
6 dealing with civil unrest.

7 Q Let's take a look at exhibit 21.

8 This is your text thread with Mr. Budowich, and if we go down to page 2 -- keep
9 going. Here we are. January 6th in the afternoon, Mr. Budowich says: Please don't
10 hate me forever for pulling you into that shit show. Thanks for helping save the day and
11 making the most of it.

12 And, later on, you write: Today was awesome up until it ended. I'm just
13 thanking God we didn't do it near the Capitol.

14 What do you think would've happened if the event had been held near the
15 Capitol?

16 A I wouldn't want to speculate about what I think would happen if our event
17 location was down there. I don't know.

18 Q Well, so when you say "I'm thanking God we didn't do it near the Capitol,"
19 why?

20 A Because I didn't want to be anywhere down close to that, you know.
21 Would you?

22 Q Okay. And then further down here, Taylor says: Yeah, yikes. Glad we
23 got it to a more reasonable place. If Alex Jones and the nuts spoke, the Capitol would
24 be burning.

25 He says "We got it to a more reasonable place"; do you -- in your own opinion, did

1 you play a role in helping to resolve the issue over Alex Jones and the nuts as Taylor says?

2 A I don't believe I did, no.

3 Q All right. We're close to wrapping up, but let me pause just to see if I think
4 Sean is still on. I don't know if he has any questions to follow up on. Nope.

5 Okay. All right. Well, Mr. Caporale, on or about November 3rd of last year,
6 Rolling Stone published an article explaining that Matt and Mercedes Schlapp had put
7 together, with the assistance of the former Acting Attorney General Matt Whitaker, a
8 fund to cover the legal expenses of several former aides who have been subpoenaed by
9 the select committee, and that reporting indicated that the fund that would be using the
10 services of Attorney General Whitaker's law firm, which I note is the same firm that is
11 representing you, the Graves Garrett Law Firm.

12 I want to be clear that I am not asking for any communications that you may have
13 had with legal representation or counsel, but I'd like for you to confirm that your legal
14 expenses are being covered by the fund that's described in that Rolling Stone article?

15 Mr. Greim. Objection. This has nothing to do with the legislative purpose. It
16 has nothing to do with the credibility of the witness. Credibility of the witness is not
17 open to serious dispute, and the identity of anyone who has come to support this witness
18 in the investigation itself is also protected by the First Amendment privilege. And we'd
19 also reassert all the objections that Mr. Brothers read at the outset.

20 [REDACTED] Well, I will just note for the record that the questions that we would
21 like to ask regarding this have to do with confirming that those fees are being covered by
22 someone else, whether there were any conditions that were placed on Mr. Caporale as to
23 enable his use of those resources for legal fees and including whether there were other
24 offers other than the ones that he may or may not have taken up.

25 Eddie, is it fair to say that you'd object to him answering to all those questions?

1 Mr. Greim. Well, I would say this, because if -- if this law firm accepted payment
2 from a third party for any client and that client had to agree to certain conditions about
3 their testimony, that would be professional misconduct, and it's a very serious allegation.
4 I take it you're not alleging it, but I don't think that's something that's generally inquired
5 into in every case where there's third-party payment as if, you know, professional
6 misconduct just might have occurred. And so to avoid -- I think what I would do is this:
7 I think Mr. Caporale could answer a question about whether any person has asked him, as
8 a condition of receiving third-party payment, that he testify or produce documents in any
9 particular way. I think that's a fair question.

10 [REDACTED] Okay. Mr. Caporale, do you understand that question?

11 The Witness. Can you repeat it [REDACTED]

12 [REDACTED] Sure. Have you been asked by any third party to testify or comply
13 with the subpoena in any particular way?

14 The Witness. No.

15 [REDACTED] Now, I think that still leaves unresolved, however, whether Mr.
16 Caporale himself is covering his own legal fees, which I think is not a privileged
17 consideration, and it does go to the credibility of the witness in terms of the testimony
18 that he would have. I mean, I think there's no question that he has personal knowledge
19 of events that are squarely within the scope of our investigation, and I think that's true
20 even within the narrowest view of what the scope of that investigation is, facts and
21 circumstances about the attack on the Capitol itself.

22 And I would just say, for the record, that that knowledge includes, as early as
23 December 29th, discussing whether the White House wanted to hold an event where the
24 President would speak and then direct attendees to the Capitol and then, on top of that
25 knowledge, that there were certain people who may or may not have spoken at that

1 event who were viewed by some as being too extreme, including statements about
2 whether there might be civil unrest if those folks were given a platform.

3 And all of that information appears to be information that may have come in front
4 of Mr. Caporale, but also numerous others within the White House and apparently other
5 folks within the President's inner circle.

6 So the question is quite simple: Are allies of the President paying the legal bills
7 of people who have knowledge of this information that might potentially guide how he
8 should respond to the inquiry?

9 Mr. Greim. I think we've already made our position clear. The witness has
10 testified that no one has asked him to testify or produce documents in a certain way. I
11 think we've also seen that this is not a key witness, and most of the questions that were
12 asked about him were about whether somebody else who actually was making decisions
13 or actually had information shared it with him.

14 And so I just don't -- I don't think the credibility of this witness is important for the
15 drafting of legislation. I don't think it's important for telling the story of what happened,
16 and I don't even know that there are disputes among the witnesses. I guess you would
17 know better than we would about these issues.

18 I mean, you're asking somebody who generally heard things from someone else
19 and whether they heard it or not. And so -- I just think, if you're ever going to ask that
20 question of someone, this is not the witness where third-party payment becomes
21 essential?

22 [REDACTED] Well, I just want to clarify for the record then that I think that we still
23 stand apart on resolving that objection. I will say that, at this point, I don't have any
24 further questions for Mr. Caporale. But I also know that, given today -- you may or may
25 not be aware, the State of the Union is this evening -- I don't think it would be

1 constructive at this point to try to get the chairman, so what I think we can do is stand in
2 recess, subject to the call of the chair, but I will represent to you, Eddie, that if we were to
3 reconvene the deposition, it would be limited to this sole line of questions that objection
4 has been raised to.

5 Mr. Greim. Absolutely.

6 [REDACTED] And we can confirm later on with you about whether it's information
7 that we are interested in continuing to pursue, but I'm just -- we have to take the
8 objection back and consider it.

9 Mr. Greim. Very good.

10 [REDACTED] So, Mr. Caporale, I promised your attorneys we'd be done by
11 lunchtime, and I think I delivered on that. So we very much appreciate your time.

12 Paul and Eddie, appreciate your time and professionalism and assistance in this.

13 So, at this time, we will stand in recess, subject to the call of the chair.

14 Mr. Greim. Thank you.

15 The Witness. Thank you, [REDACTED]

16 Mr. Brothers. Thank you.

17 [Whereupon, at 11:47 a.m., the deposition was recessed, subject to the call of the
18 chair.]

1 Certificate of Deponent/Interviewee

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4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

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Witness Name

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Date

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